

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]
[REDACTED]

BOARD DATE: 18 October 2024

DOCKET NUMBER: AR20240001696

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 29 November 1969 to show the spelling of his first name as shown on his driver's license.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- Driver's License
- Department of Veterans Affairs (VA) Healthcare Card
- DD Form 214

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states he would like his DD Form 214 corrected to show the spelling of his first name as F___e instead of F___d. The VA healthcare system has his first name listed as F___e, which is his legal first name.
3. He did not provide a copy of his birth certificate to validate the correct spelling of his first name.
4. Item 1 (First Name – Middle Name – Maiden Name (if any) – Last Name) of his DD Form 398 (Statement of Personal History), 26 March 1968, shows he recorded his first name as F___e. He attested to the accuracy of this form by signing his first name as F___e.
5. He was inducted into the Army of the United States on 25 April 1968. Item 1 (Last Name – First Name – Middle Name) of his DD Form 47 (Record of Induction) shows the

spelling of his first name as F____d. His Fifth Recruiting Detachment Form 856-R (Acknowledgement of Service Obligation), 25 April 1968, shows he signed his first name using the spelling F____d.

6. Headquarters, U.S. Army Training Center and Fort Leonard Wood, Special Orders Number 239, 26 August 1968, awarded him the Expert Marksmanship Qualification Badge with Rifle Bar (M-16). These orders show the spelling of his first name as F____d.

7. His DA Form 20 (Enlisted Qualification Record) shows in:

- item 1 (Name (Last, First, Middle Initial) and Service Number) – the spelling of his first name as F____d
- item 31 (Foreign Service) – he received overseas tour credit for service in Vietnam from 22 September 1968 through 28 November 1969
- item 38 (Record of Assignments) – he was assigned to Company B, 39th Engineer Battalion (Combat), Vietnam, from 29 September 1968 through 25 November 1969
- item 38 – he received exclusively "Excellent" conduct and efficiency ratings
- item 41 (Awards and Decorations), he was awarded or authorized the –
 - National Defense Service Medal
 - Vietnam Service Medal
 - Republic of Vietnam Campaign Medal with Device (1960)
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-16)

8. A review of his military records revealed all applicable documents, except the DD Form 398, contain the spelling of his first name as F____d and he authenticated those documents with his signature showing the spelling of his first name as F____d.

9. His records are void of a commander's disqualification for award of the Army Good Conduct Medal (1st Award). His records contain no convictions by a court-martial.

10. He was honorably released from active duty on 29 November 1969 and transferred to the U.S. Army Reserve Control Group (Standby). He completed 1 year, 7 months, and 5 days of total active service.

a. Item 1 (Last Name – First Name – Middle Name) of his DD Form 214 shows his first name spelled as F____d and he attested to the accuracy of this form with his signature by signing his first name as F____d.

b. Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) of his DD Form 214 shows he was awarded or authorized the:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)

c. Item 30 (Remarks) of his DD Form 214 does not show his inclusive dates of service in Vietnam.

11. U.S. Army Reserve Components Personnel and Administrative Center Letter Orders Number 03-1124735, 20 March 1974, honorably discharged him from the U.S. Army Reserve effective 1 April 1974. The standard name line in these orders shows the spelling of his first name as F____d.

12. He provided a copy of his driver's license showing the spelling of his first name as F____e and a copy of his VA Healthcare Card showing the spelling of his first name as F____d.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The evidence of record shows the applicant was inducted into the Army of the United States on 25 April 1968. In connection with his induction, he authenticated a DD Form 398, Statement of Personal History, to which he listed the name he is requesting and signed the form with the requested name. The Board concluded based on this document, relief was warranted to correct his name annotated on his separation document.

2. Prior to closing the discussion, the Board noted and concurred with the analyst of record's administrative note below to add additional awards authorized. Additionally, the Board reviewed the applicant's record and determined he is authorized award of the Army Good Conduct Medal (First Award) for the period 25 April 1968 to 29 November 1969 based on his excellent conduct and efficiency ratings on his personnel record and no history of derogatory information, including trial by court-martial.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- amending his DD Form 214, for the period ending 29 November 1969 to show in item 1 (Last Name, First Name, Middle Name): the first name reflected on his driver license
- awarding him the Army Good Conduct Medal (First Award) for the qualifying period 25 April 1968 to 29 November 1969
- adding to his DD Form 214 the Army Good Conduct Medal (First Award)
- adding the awards annotated in the Administrative Note below

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I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

ADMINISTRATIVE NOTE(S):

The applicant is authorized administrative correction of his DD Form 214 for the period ending 29 November 1969 without Board action to show in:

- item 24 –
 - one silver service star with his Vietnam Service Medal
 - Device (1960) with his Republic of Vietnam Campaign Medal
 - Meritorious Unit Commendation
 - Republic of Vietnam Gallantry Cross with Palm Unit Citation
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- item 30 – Vietnam – 29 Sep 68 through 28 Nov 69, Indochina – Yes, Korea – No

REFERENCES:

1. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. Army Regulation 15-185 (Army Board for Correction of Military Records) prescribes policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. Board members will review all applications that are properly before them to determine the existence of an error or injustice and direct or recommend changes in military records to correct the error or injustice, if persuaded that material error or injustice exists and that sufficient evidence exists in the record. The ABCMR will decide cases on the evidence of record; it is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.
3. Army Regulation 672-5-1 (Awards), in effect at the time, stated the primary purpose of the awards program was to provide tangible evidence of public recognition for acts of valor and for exceptional service or achievement. The Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active federal military service completed on or after 27 August 1940; for the first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; and, for the first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year. The enlisted person must have had all "Excellent" conduct and efficiency ratings. Ratings of "Unknown" for portions of the period under consideration were not disqualifying. Service school efficiency ratings based upon academic proficiency of at least "Good" rendered subsequent to 22 November 1955 were not disqualifying. There must have been no convictions by a court-martial. However, there was no right or entitlement to the medal until the immediate commander made a positive recommendation for its award and until the awarding authority announced the award in general orders.
4. Army Regulation 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. The Vietnam Service Medal was awarded to all service members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through 28 March 1973.
 - a. One bronze service star is authorized with the Vietnam Service Medal for each campaign during which a member was assigned or attached to and present for duty with

a unit during the period in which it participated in combat. A silver service star is worn in lieu of five bronze service stars.

b. Campaign participation credit was awarded for the following campaigns during the applicant's service in Vietnam:

- Vietnam Counteroffensive Phase V – 1 July 1968-1 November 1968
- Vietnam Counteroffensive Phase VI – 2 November 1968-22 February 1969
- Tet 69 Counteroffensive 1969 – 23 February 1969-8 June 1969
- Vietnam Summer-Fall 1969 – 9 June 1969-31 October 1969
- Vietnam Winter-Spring 1970 – 1 November 1969-30 April 1970

5. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the awards received by units serving in Vietnam.

a. Headquarters, U.S. Military Assistance Command and its subordinate units during the period 8 February 1962 to 28 March 1973 and Headquarters, U.S. Army Vietnam and its subordinate units during the period 20 July 1965 to 28 March 1973 were awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation in Department of the Army General Orders Number 8, 1974.

b. Company B, 39th Engineer Battalion (Combat), was awarded the Meritorious Unit Commendation for the period 21 January 1968 through 3 February 1970 in Department of the Army General Orders Number 2, 1971.

6. Army Regulation 635-5 (Separation Documents), in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty.

a. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214.

b. The specific instructions for item 1 stated to enter the last name, first name, and full middle name or names, if any.

7. Army Regulation 635-5 (Separation Documents), effective 23 May 1972, stated to indicate Indochina and Korea service performed on or after 5 August 1964 in item 30 of the DD Form 214 by entering inclusive dates of service for Vietnam and indicating "Yes" or "No" for service in Indochina and Korea. To show Vietnam service only, for example, enter "Vietnam – 25 Apr 70 through 28 May 71, Indochina – Yes, Korea – No."

//NOTHING FOLLOWS//