

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 October 2024

DOCKET NUMBER: AR20240002249

APPLICANT REQUESTS: In effect, correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show service in the Republic of Vietnam (RVN).

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

- DD Form 149 (Application for Correction of Military Record)
- Standard Form (SF) 180 (Request Pertaining to Military Records)
- 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 needs his DD Form 214 corrected to show he served as an infantryman with boots on the ground in the RVN. He states he was a driver in Vietnam, picking up injured Soldiers.
3. The applicant was inducted into the Army of the United States on 18 June 1970. He held military occupational specialty (MOS) 64C [Motor Transport Operator], he served as a truck driver.
4. The applicant's DA Form 20 (Enlisted Qualification Record) shows in item 38 (Record of Assignments):
  - Basic training at Fort Jackson, SC, from 3 August to 25 September 1970
  - Advanced Individual Training, at Fort Jackson, SC, from 26 September to 19 November 1970
  - Casual leave status enroute to the United States Army Europe (USAREUR) [Germany] from 20 November to 9 December 1970

- 545th Ordnance Company, USAREUR from 10 December 1970 to 19 January 1972, with the principal duties of a truck driver
- He departed USAREUR, enroute to Continental United States on 20 January 1972

5. His DA Form 20 also shows he received excellent conduct and efficiency ratings throughout his military service.

6. On 23 January 1972, he was honorably released from active duty in pay grade E-4. The DD Form 214 he was issued shows his completed 1 year, 7 months, and 6 days of which 1 year, 1 month, and 15 days was foreign service in USAREUR. He was awarded or authorized the National Defense Service Medal, and Sharpshooter Marksmanship Qualification Badge (M-14) and (M-16) Rifles. His DD Form 214 also shows in:

- Reason and Authority, “[Army Regulation (AR)] 635-200, Paragraph 5-3, “DA Message 102035Z DEC 71,” SPN 21L [Enlisted Personnel – Separation for Good and Sufficient Reason When Determined by Secretarial Authority]
- Last Duty Assignment, 545th Ordnance USAREUR

7. His service record contains a DD Form 215 (Correction to DD Form 214), adding the Expert Marksmanship Qualification Badge with Hand Grenade Bar, issued on 9 August 2011.

8. His record does not contain evidence of service in the RVN. There is only evidence of service in USAREUR [Germany.

9. There is no indication he was awarded the Army Good Conduct Medal. There is also no indication of any derogatory information on file that would have disqualified him from receiving this medal.

10. AR 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. It established standardized policy for the preparation of the DD Form 214. It stated for item 22c, enter the total period of active duty served outside of the continental limits of the United States for the period covered by the DD Form 214 and to enter the last overseas theater (e.g., USARPAC) in which the service was performed.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The Board did not find evidence in the record and the applicant provides none to show the applicant served in Vietnam. If the applicant can provide deployment orders, travel documents, awards reflective of his service in Vietnam, or other documentary evidence of such service, he may resubmit his application to this Board for reconsideration.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

■

■

■

---

■

■

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.

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. AR 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. It established standardized policy for the preparation of the DD Form 214. It stated for item 22c, enter the total period of active duty served outside of the continental limits of the United States for the period covered by the DD Form 214 and to enter the last overseas theater (e.g., USARPAC) in which the service was performed.
3. Army Regulation 672-5-1 (Awards), in effect at the time, stated 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 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.

//NOTHING FOLLOWS//