

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 October 2024

DOCKET NUMBER: AR20240002411

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from Active Duty) for the period ending 18 October 1976 to show his service in Vietnam.

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

- two DD Forms 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- Race Relations Training Certificate, 3 September 1975
- DD Form 214
- Honorable Discharge Certificate, 18 December 1976
- Marriage License, 24 June 1981
- Various Department of Veterans Affairs (VA) medical documents (51 pages)

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 deployed to Vietnam and his service in Vietnam should be reflected on his DD Form 214. He has several medical conditions being treated by the VA and the VA told him that his service in Vietnam must be recorded on his DD Form 214 to qualify for certain veterans' benefits.
3. On 3 June 1970, he was inducted into the Army of the United States for a 2-year active-duty service obligation.
4. Item 38 (Record of Assignments) of his DA Form 20 shows he departed Fort Gordon, GA, en route to U.S. Army Europe on 4 November 1970. He was assigned to the 541st Signal Cable Construction Company, Germany, effective 7 December 1970. He departed the 541st Signal Cable Construction Company en route to the United States effective 17 January 1972.

5. Item 31 (Foreign Service) of his DA Form 20 (Enlisted Qualification Record) shows he received overseas tour credit for service in U.S. Army Europe-Germany from 2 December 1970 through 29 May 1972.

6. He was honorably released from active duty on 21 January 1972 and transferred to the U.S. Army Reserve Control Group (Annual Training). He completed 1 year, 7 months, and 18 days of net active service during this period, including 1 year, 1 month, and 18 days of foreign service. His DD Form 214 shows he was awarded or authorized the National Defense Service Medal.

7. He enlisted in the Regular Army on 24 October 1973.

8. Item 35 (Record of Assignments) of his DA Form 2-1 (Personnel Qualification Record – Part II) shows he was assigned to Company B, 142d Signal Battalion, 2nd Armored Division, Fort Hood, TX, effective 10 October 1973. He departed Fort Hood, TX, en route to U.S. Army Europe on 19 June 1975. He was assigned to Company B, 23d Engineer Battalion, Germany, effective 20 August 1975.

9. He completed 14 hours of Race Relations training in Germany on 3 September 1975.

10. He departed Company B, 23rd Engineer Battalion, en route to the United States effective 16 October 1976.

11. Item 5 (Oversea Service) of his DA Form 2-1 shows he received overseas tour credit for service in U.S. Army Europe-Germany from 15 August 1975 through 13 October 1976.

12. He was honorably discharged on 18 October 1976. He completed 2 years, 11 months, and 23 days of net active service during this period, including 1 year, 1 month, and 3 days of foreign service. His DD Form 214 shows he was awarded or authorized the National Defense Service Medal.

13. His military records are void of permanent or temporary duty orders showing he served in Vietnam during any period of service.

14. He provided his marriage certificate and various VA medical documents for consideration.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's request and available military records, the Board determined the governing regulation provides that at separation the service member's record will be used to enter accurate information when completing their DD Form 214. The Board found insufficient evidence to support the applicant's contentions correction of his DD Form 214 to show his service in Vietnam.

2. The Board agreed, the applicant's record is absent documentation showing he was assigned to a unit in the Republic of Vietnam. The Board noted, the applicant's assignments to Company B, 23rd Engineer Battalion, Germany, effective 20 August 1975. Based on the preponderance of evidence, the Board determined correction to the applicant's DD Form 214 is without merit and denied relief.

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. 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 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. Qualifying service included attachment to or assignment for 1 or more days with an organization participating in or directly supporting military operations. One bronze

service star is authorized with the Vietnam Service Medal for each campaign during which a member was assigned or attached and present for duty with a unit during the period in which it participated in combat.

4. Army Regulation 635-5 (Separation Documents), in effect at the time, established policies and procedures for completion and distribution of the DD Form 214. The general instructions stated all available records will be used as a basis for preparation of the DD Form 214, including the DA Form 20 and orders.

//NOTHING FOLLOWS//