

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 November 2024

DOCKET NUMBER: AR20240003016

APPLICANT REQUESTS: award of:

- Army Good Conduct Medal
- Republic of Vietnam Gallantry Cross Unit Citation with Palm
- Presidential Unit Citation
- Republic of Vietnam Civil Action Unit Citation with Palm

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

- DA Form 20 (Enlisted Qualification Record)
- Department of Veterans Affairs (VA) Letter
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge)

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 served with the Headquarters and Headquarters Company, 3rd Brigade, 1st Cavalry Division in Vietnam. He believes, during that time, he was awarded the Presidential Unit Citation, Republic of Vietnam Gallantry Cross Unit Citation with Palm and Republic of Vietnam Civil Action Unit Citation with Palm. He also believes he should have the Army Good Conduct Medal and would like those awards added to his DD Form 214.
3. The applicant provides a letter from the VA dated 2 February 2009 which states the applicant is rated at 100% permanent and total disability effective 9 January 2008.
4. A review of the applicant's service record shows:
 - a. He was inducted into the United States Army on 15 May 1969.

b. His DA Form DA 20 shows the applicant served in Vietnam from 22 December 1969 to approximately 17 November 1970. He was assigned to 1st Cavalry Division. The applicant received all excellent conduct and efficiency ratings during his service period. It also lists in Item 41 (Awards and Decorations):

- National Defense Service Medal
- Vietnam Service Medal
- Bronze Star Medal
- Vietnam Campaign Medal
- One Overseas Service Bar

c. Special Orders Number 180 dated 5 September 1969 announced the applicant's award of the Expert Marksmanship Qualification Badge with Rifle Bar (M-14).

d. He was honorably released from active duty on 23 November 1970. His DD Form 214 shows he completed 1 year, 6 months, and 9 days of active service with no lost time. Block 30 (Remarks) shows he served in Vietnam from 23 December 1969 to 23 November 1970. It also shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal
- Bronze Star Medal

5. A review of the applicant's record confirms he is eligible for awards and campaign credits that are not recorded on his DD Form 214. The entries will be added to his DD Form 214 as administrative corrections and will not be considered by the Board.

6. By regulation (AR 672-5-1), the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active service, 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 and there must be no convictions by a court-martial. 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.

7. Department of the Army General Orders Number 43, dated 1972, awarded the Valorous Unit Award to 1st Cavalry Division, Headquarters and Headquarters Company, for service in Vietnam for the period of 1 May 1970 through 29 June 1970.

8. Department of the Army General Orders Number 11, dated 1972, awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation to 1st Cavalry Division,

Headquarters and Headquarters Company, for service in Vietnam for the period of May 1969 to February 1970.

9. Department of the Army General Orders Number 42, dated 1972, awarded the Republic of Vietnam Civil Action Honor Medal, First Class to 1st Cavalry Division, Headquarters and Headquarters Company, for service in Vietnam for the period of 1 January 1969 to 1 February 1970.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial 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.

a. The Board determined there was sufficient evidence, including his service from 15 May 1969 to 23 November 1970, a period of 1 year, 6 months, and 9 days. Based on this, the Board granted relief to correct the applicant's record to reflect award of the Army Good Conduct Medal (First Award).

b. A review of the applicant's service records show he is authorized additional campaign credit not annotated on his DD Form 214. As a result, the Board determined his DD Form 214 should be amended to show:

- Overseas Service Bar
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
- Valorous Unit Award
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Action Honor Medal, First Class

2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted for the applicant's request to be awarded the Presidential Unit Citation.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

█ █ █ GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 23 November 1970 by:

- awarding him the Army Good Conduct Medal (First Award) for the period 15 May 1969 to 23 November 1970
- adding the following awards to his DD Form 214:
 - Army Good Conduct Medal (First Award)
 - Overseas Service Bar
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
 - Valorous Unit Award
 - Republic of Vietnam Gallantry Cross with Palm Unit Citation
 - Republic of Vietnam Civil Action Honor Medal, First Class

2. The Board further determined that the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to award of the Presidential Unit Citation.

█

█ █

█
█

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 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.

3. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) assist commanders and personnel officers in determining or establishing the eligibility of individual members for campaign participation credit, assault landing credit, and unit citation badges awarded during the Vietnam Conflict.

a. DAGO Number 43, dated 1972, awarded the Valorous Unit Award to 1st Cavalry Division, Headquarters and Headquarters Company, for service in Vietnam for the period of 1 May 1970 through 29 June 1970.

b. DAGO Number 11, dated 1972, awarded the Republic of Vietnam Gallantry Cross with Palm to 1st Cavalry Division, Headquarters and Headquarters Company, for service in Vietnam for the period of May 1969 to February 1970.

c. DAGO Number 42, dated 1972, awarded the Republic of Vietnam Civil Action Honor Medal, First Class to 1st Cavalry Division, Headquarters and Headquarters Company, for service in Vietnam for the period of 1 January 1969 to 1 February 1970.

//NOTHING FOLLOWS//