

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 December 2024

DOCKET NUMBER: AR20240005779

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United Report of Transfer or Discharge) ending 6 December 1969, by adding the Army Commendation Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- Army Commendation Medal Citation
- Army Commendation Medal Certificate
- DD Form 214, ending 6 December 1969

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 the Army Commendation Medal is missing on his DD Form 214 ending 6 December 1969.
3. This case contains administrative corrections adding the Republic of Vietnam Gallantry Cross with Palm Unit Citation and four (4) bronze service stars to the Vietnam Service Medal.
4. A review of the applicant's military service record shows:
 - a. Having prior service in the U.S. Army Reserve (USAR) and Active Duty, on 10 May 1968, the Office of the Adjutant General, U.S. Army Administration Center, published Letter Orders USAR A-05-4079332, which ordered the applicant to Active Duty, with a reporting date of 22 June 1968.
 - b. DA Form 20 (Enlisted Qualification Record) shows in:

- Item 31 (Foreign Service), he served in Vietnam from 19 January to 5 December 1969
- Item 38 (Record of Assignments), while serving in Vietnam he was assigned to Howitzer Battery, 1st Squadron, 11th Armored Cavalry Regiment
- Also Item 38, he received excellent conduct and efficiency ratings throughout his military service
- Item 41 (Awards and Decorations), he was awarded or authorized the National Defense Service Medal, Vietnam Service Medal, Vietnam Campaign Medal, and one overseas service bar

c. His record contains an Army Commendation Medal Certificate, 20 November 1969, for meritorious service in the Republic of Vietnam during the period of January 1969 to November 1969. It is signed by Lieutenant General J_ E_, however, it does not show a Permanent Order Number. Additionally, his record did not contain Permanent Orders nor DA Form 638 (Recommendation for Award) awarding him the Army Commendation Medal.

d. On 6 December 1969, the applicant was honorably released from Active Duty in the rank/grade of specialist four/E-4 and was transferred to the USAR. DD Form 214 shows he completed 1 year, 4 months, and 1 day with no lost time. It also shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal

5. The applicant's service record does not contain any derogatory information, such as lost time or conviction by a court-martial, that would have disqualified him from receiving his first award of the Army Good Conduct Medal.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant served in Vietnam from 19 January to 5 December 1969. Although his record does not contain the general orders that awarded him this award, his record contains an Army Commendation Medal Certificate, dated 20 November 1969, for meritorious service in Vietnam during the period January 1969 to November 1969. The Board accepted this certificate as sufficient evidence since the period of service on the certificate is consistent with his other records reflective of his service in Vietnam, and the award level is consistent with his scope of responsibility.

2. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

In addition to the correction addressed in Administrative Note(s) below, 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 adding award of the Army Commendation Medal to his DD Form 214

█

█ █

█

█

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):

1. Reference the enclosed request for correction of military records from the applicant to correct his DD Form 214 ending 6 December 1969, by adding:

- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Four (4) bronze service stars to the Vietnam Service Medal

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.

- DD Form 214, 6 December 1969
- DA Form 20 (Enlisted Qualification Record)
- Department of the Army General Orders 50, 1971

REFERENCES:

1. Title 10, USC, 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 600-8-22 (Military Awards) states the Army Commendation Medal may be awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

//NOTHING FOLLOWS//