

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 January 2025

DOCKET NUMBER: AR20240005787

APPLICANT REQUESTS: in effect, reconsideration of his previous request to correct his DD Form 214 (Report of Separation from Active Duty) so that it shows his service in Vietnam.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 293 (Application for the Army Discharge Review Board)
- DA Form 873 (Certificate of Clearance and/or Security Determination)
- DD Form 214 (Report of Separation from Active Duty)
- Headquarters (HQ), U.S. Army Base Command, Okinawa Letter Orders Number T-305, dated 13 July 1972
- DA Form 1 (Morning Report)
- Leave and Earnings Statement (LES)
- Department of the Army Memorandum
- Republic of Khmer Attestation for Award of the National Defense Medal to the Brigade Order
- HQ, PACAF (Pacific Air Forces) Project Contemporary Historical Examination of Current Operations (CHECO) Report; Battle of An Lộc, 5 April to 26 June 1972
- National Archives and Records Administration (NARA) Letter
- Second Page of Department of the Army General Orders (DAGO) Number 16, 1975
- History Showcase
- Department of Veterans Affairs (VA) Letter and Extract from Rating Decision
- Definitions of Combat Pay
- Army Abbreviations and Acronyms

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20160015329, on 9 April 2019.

2. The applicant states, in effect, in 1972, he was assigned to a quartermaster company in Okinawa, and his unit sent him to Vietnam on temporary duty to participate in a covert mission; because what he did was classified, his service in Vietnam was never reported in his service record. Now, more than 50 years later, he is asking to have his records show his "boots on the ground in Vietnam." The applicant offered additional details in a self-authored statement:

a. The applicant affirms his belief that his Vietnam service is not reflected in his records because he was part of a secret Central Intelligence Agency (CIA) mission; ever since he found this out, he has been in constant communication with the VA to correct his DD Form 214 and update his service record but despite his efforts, he has not been successful. He is now 71 years old and 100 percent disabled due to his exposure to Agent Orange.

b. The VA already has copies of the applicant's LESs showing he received combat/hostile fire pay. Additionally, they have the travel orders, authorized by COMUSMACV (Commander, U.S. Military Assistance Command, Vietnam), which confirm he was in Vietnam on TDY.

c. In support of his request, the applicant provides documents from VA and his service record; in addition, he submits explanations of abbreviations and acronyms and adds the following:

(1) HQ, U.S. Army Base Command, Okinawa Letter Orders Number T-305, dated 13 July 1972. These orders amended Letter Orders Number T-177, dated 19 June 1972, by adding a fund cite; (Letter Orders Number T-177 is unavailable for review). While the orders make no mention of temporary duty (TDY) in Vietnam, they do include the names of 24 Soldiers assigned to the 549th Quartermaster Company, and the applicant and another Soldier (Specialist Four (SP4) [REDACTED]) are on that list.

(2) DA Form 1, dated in July 1972, showing that, on 20 July 1972, SP4 [REDACTED] changed his duty status from hospital to TDY with the MACV Advance Team at Army Post Office (APO) 96309 (an APO assigned to the Saigon, Vietnam vicinity) and that he returned from TDY, on 21 July 1972, per Letter Orders Number T-305. The form does not include the applicant's name or duty status.

(3) Applicant's Leave and Earnings Statement (initially submitted with the applicant's prior ABCMR application and showing pay for the month of August 1972); the form indicates that, in the months of June and July 1972, the applicant received "CZ" pay, and it also states, "ABS TDY 720621 2300 HRS; ABS TDY 720701 CONTINUED FRM PRIOR MONTH; DUTY TDY, 720716 0130 HRS."

(4) Documents reflecting that, in September 1973, the Khmer Republic awarded the applicant the Medal of the National Defense of the Order of the Brigade; the award does not include either a citation or an explanation for the award. A subsequent December 1973 Department of the Army Military Awards Branch memorandum stated, per COMUSMACV policy, U.S. military personnel could neither accept nor wear any awards from the Khmer Republic.

(5) HQ, PACAF Project CHECO Report pertaining to the battle of An Lộc, Vietnam, during the period 5 April to 26 June 1972. The report describes problems encountered during aerial resupply missions for besieged South Vietnamese and MACV forces.

(a) "In response to HQ MACV's request for assistance, Army and Air Force Parachute experts flew to Vietnam. Quality Control personnel from CCK, Taiwan began trouble-shooting procedures to isolate the reasons for the malfunctions. The Army sent 76 (parachute) packers from the 549th Quartermasters Aerial Resupply Company in Okinawa. The advisory (sic) people corrected some major problems on the spot and instigated new procedures. This, combined with the use of experienced Army riggers and packers, immediately improved the quality of aerial resupply."

(b) The report does not specifically name the applicant.

(6) Document titled, "History Showcase," which includes the following:

(a) "During the US's era, the 549th Company, while neither assigned nor stationed in Vietnam, nevertheless had several of its men sent TDY to Vietnam-and Thailand."

(b) "One platoon was attached to the 383rd QM (quartermaster) Detachment at Bien Hoa in 1968 during the Khe Sanh and Tet 68 airdrops. Other riggers of the 549th were stationed in Thailand where they rigged loads for CIA missions. In May 1972, a platoon was sent to Tan Son Nhut Air Base near Saigon (Vietnam) to perform high altitude (air) drops for ARVN (Army of the Republic of Vietnam) troops and American advisors during the siege at An Lộc."

3. A review of the applicant's service record shows the following:

a. On 17 September 1971, the applicant enlisted into the Regular Army for 3 years; upon completion of initial entry training and the award of military occupational specialty 43E (Parachute Rigger), orders assigned him to the 549th Quartermaster Company in Okinawa; he arrived at his new unit, on 10 May 1972.

b. In or around September/October 1973, the applicant received reassignment instructions for Fort Bragg, NC; he arrived at the 82nd Quartermaster Company, on 6 December 1973.

c. On 27 August 1974, the Army honorably released the applicant from active duty, based on an early release policy, and transferred him to the U.S. Army Reserve for the remainder of his military service obligation. His DD Form 214 shows he completed 2 years, 11 months, and 10 days of his 3-year enlistment contract. The report additionally reflects the following:

- Item 18(f) (Record of Service – Foreign and/or Sea Service This Period) – 1 year, 5 months, and 23 days
- Item 19 (Indochina or Korea Service Since August 5, 1965) – "No"
- Item 26 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Medals Awarded or Authorized) – National Defense Service Medal and Parachutist Badge.
- Item 27 (Remarks) – No entry supporting service in Vietnam

d. The applicant's DA Form 20 (Enlisted Qualification Record) lists the following:

- Item 31 (Foreign Service) – Okinawa, from 4 May 1972 until on or about 27 October 1973; no entries pertaining to Vietnam service
- Item 38 (Record of Assignments) – Shows applicant's assignment to the 549th Quartermaster Company but no entries supporting TDY service in Vietnam
- Item 41 (Awards and Decorations) – No awards related to Vietnam service

e. On 18 August 2016, the applicant applied to the ABCMR, asking that his DD Form 214 show his Vietnam service. On 9 April 2019, after reviewing the applicant's service record and the evidence he provided, the Board voted to deny relief.

(1) The Board stated, "The evidence presented does not demonstrate the existence of a probable error or injustice. The record does not indicate service in Vietnam. The Board considered all the evidence including the LESs indicating TDY dates."

(2) "The board found that TDY is not countable as service; service via appropriate assignment or attachment orders or existing service records validates service. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned."

BOARD DISCUSSION:

After reviewing the application and all supporting documents, 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. Upon review of the applicants petition and available military records, the Board determined there is sufficient evidence to grant full relief, including a leave and earnings statement from the Defense Finance and Accounting Service (DFAS) indicating the applicant served temporarily in a combat zone from 21 June 1972 to 16 July 1972. However, the applicant's DD Form 214 does not reflect the foreign service credit. Additionally, the Board noted the applicant's Department of Veterans Affairs rating consists of Agent Orange. Therefore, the Board determined relief was appropriate to correct his record to show foreign service in Vietnam.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3



GRANT FULL RELIEF

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:

:

GRANT PARTIAL RELIEF

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GRANT FORMAL HEARING

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:

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 Army records of the individual concerned be corrected by amending his DD Form 214, for the period ending 27 August 1974 to show in:

- item 18f (Foreign and/or Sea Service This Period): 26 days
- item 27 (Remarks): Service in Vietnam from 21 June 1972 to 16 July 1972

X



CHAIRPERSON



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. Army Regulation 635-5 (Separation Documents), in effect at the time, prescribed policies and procedures for the preparation of separation documents, to include DD Forms 214.

a. The regulation did not give specific instructions for item 18 (f) (Foreign and/or Sea Service This Period), but in item 19 (Indochina or Korea Service Since August 5, 1964), DD Form 214 preparer were to check boxes, either "YES" or "NO," if the Soldier served in Indochina or Korea. Additionally, dates of Vietnam service were to be entered in this block.

b. Item 27 (Remarks) was to be used for Headquarters, Department of the Army required comments or to complete entries that were too long for their respective blocks.

2. Army Regulation 15-185 (Army Board for Correction of Military Records), currently in effect, states:

a. Paragraph 2-2 (ABCMR Functions). The ABCMR decides cases on the evidence of record; it is not an investigative body.

b Paragraph 2-9 (Burden of Proof) states:

(1) The ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).

(2) The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

//NOTHING FOLLOWS//