

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 February 2025

DOCKET NUMBER: AR20240006015

APPLICANT REQUESTS: an appearance hearing with the Board, and correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show in:

- item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) – award of the Army Commendation Medal
- item 30 (Remarks) – his blood type as "O Negative"

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

- DD Form 149 (Application for Correction of Military Record), 23 April 2024
- Army Commendation Medal Citation, 1 April 1969 to 31 August 1969
- DD Form 214
- Central California Blood Bank Volunteer Donor Card

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 his blood group should be "O negative". He would also like the infantry cross rifles added to his DD Form 214 and an infantry blue rope recognition. He served as an infantry point man in Vietnam and feels he is entitled to it.
3. The applicant provides a copy of:
 - a. An Army Commendation Medal citation issued from the 101st Airborne Division, showing he completed outstanding performance in ground operations in the Republic of Vietnam during the period 1 April 1969 to 31 August 1969.
 - b. A Blood Donor Card showing the blood type "O Negative."

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

a. On 8 May 1968, he was inducted into the Army of the United States. He completed Basic Combat Training and Advanced Individual Training, and was awarded military occupational specialty (MOS) 76S (Auto Repair Parts Specialist).

b. On 11 February 1968, he accepted nonjudicial punishment (NJP) under the provisions of Article 15 of the Uniform Code of Military Justice (UCMJ), for being absent without leave from 10 February 1969 to 11 February 1969. His punishment consisted of restriction and extra duty for 7 days. He did not appeal this punishment.

c. On 28 March 1969, he deployed to Vietnam and he was assigned to Headquarters and Headquarters Company, 2d Battalion, 327th Infantry.

d. On 21 December 1969, he accepted NJP under the provisions of Article 15 of the UCMJ for disobeying a lawful order from Sergeant First Class G___, his superior noncommissioned officer, for willfully disobeying a lawful order to insure maintenance was performed on his vehicle. His punishment consisted of reduction to private first class.

e. On 1 February 1970, his company commander notified him he was issuing him a certificate of unsuitability for reenlistment and recommending a bar to reenlistment be imposed against him.

f. On 17 February 1970, the Assistant Adjutant General, 101st Airborne Division, approved his bar to reenlistment.

g. His DA Form 20 (Enlisted Qualification Record) shows in:

(1) Item 38 (Record of Assignments) – he received unsatisfactory conduct and efficiency ratings while he was assigned to HHC, 2d Battalion, 327th Infantry, Vietnam.

(2) Item 41 (Awards and Decorations) – he was awarded:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with (1960) device
- two overseas bars

(3) Item 42 (Remarks) – shows, in part, "Blood type: O pos".

h. On 22 March 1970, he was released from active duty. His DD Form 214 shows in:

(1) Item 23a (Specialty Number and Title) – 76S (Auto Repairman Parts Specialist)

(2) Item 24 – he was awarded:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Meritorious Unit Commendation
- Overseas Service Bars (2)
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14) and (M-16)

(3) Item 30 (Remarks) – in part, "Blood Group: O+."

i. His records are void of orders awarding him the Army Commendation Medal.

j. His medical records were not available with his Official Military Personnel Files.

k. A review of the Awards and Decorations Computer-Assisted Retrieval System, an index of general orders issued during the Vietnam era between 1965 and 1973 maintained by the U.S. Army Human Resources Command Military Awards Branch, failed to reveal any orders for the Army Commendation Medal pertaining to the applicant.

5. By regulation:

a. Formal recommendations, approval through the chain of command, and announcement in orders are required for award of the Army Commendation Medal.

b. Award of the Combat Infantryman Badge during the Vietnam era was authorized only to enlisted individuals who held and served in MOS 11B, 11C, 11D, 11F, 11G, or 11H.

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.


2. The Board carefully considered the applicant's contentions, his military record, his MOS, the unsigned ARCOM citation, the frequency and nature of his misconduct, the reason for his separation, the index of orders pertaining to awards during the Vietnam Era and the awards and blood type reflected in his record and on his DD Form 214. The Board determined that there is no evidence in the records of orders or other documents to show he was recommended for and awarded an Army Commendation Medal. The Board determined that the absence in his records of an awarded ARCOM was not in error or unjust. The Board considered the blood donor card provided by the applicant and the Board majority determined that his blood type reflected in the records was in error and that a correction to his DD Form 214 was warranted. One Board member determined that the records reflected the circumstances as they were at the time service and that no correction is warranted. Based on a preponderance of evidence, the Board majority determined that partial relief was warranted.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
XX:	XX:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	XX:	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 22 March 1970 to show in item 30 (Remarks) – "Blood Group: O-".
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 Army Commendation Medal.


X //SIGNED//

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. 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 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.
 - a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.
 - b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, paragraph 2-11 reads that applicants do not have a right to a

hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. Army Regulation 635-5 (Separations Documents), in effect at the time, prescribed the separation documents that would be furnished each individual who is separated from the Army. It established standardized procedures for the preparation and distribution of these documents. All available records would be used as a basis for the preparation of the DD Form 214, including DA Form 20, and orders.

a. A DD Form 214 would be furnished at the time of separation to each member of the Regular Army.

b. In item 24 (Decorations, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized), enter from DA Form 20 all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

c. In item 30 (Remarks), The "Remarks" section will be used to complete entries too long for their respective blocks. Subparagraph b(2), enter blood group from the Immunization Record (Standard Form 601) or the Enlisted Qualification Record (DA Form 20). Example: "Blood Group O."

4. Army Regulation 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. The Army Commendation Medal is awarded to any service 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. Award may be made to a member of the armed forces of a friendly foreign nation who, after 1 June 1962, distinguishes himself or herself by an act of heroism, extraordinary achievement, or meritorious service, which has been of mutual benefit to a friendly nation and the United States. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

5. U.S. Army Vietnam Regulation 672-5-1 (Decorations and Awards), in effect at the time, prescribed policies, responsibilities, and criteria in order to insure prompt and proper recognition of individuals. It provided instruction for award of the CIB during the Vietnam era. Appendix V stated the CIB was awarded only to enlisted individuals who held and served in MOS 11B (Infantryman), 11C (Indirect Fire Infantryman), 11D (Armor Reconnaissance Specialist), 11F (Infantry Operations and Intelligence Specialist), 11G (Infantry Senior Sergeant), or 11H (Infantry Direct Fire Crewman). The three requirements for award of the Combat Infantryman Badge:

- the Soldier must be an infantryman satisfactorily performing infantry duties
- the Soldier must be assigned to an infantry unit during such time as the unit is engaged in active ground combat
- the Soldier must actively participate in such ground combat

//NOTHING FOLLOWS//