

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 January 2025

DOCKET NUMBER: AR20240006194

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show his rank/pay grade as sergeant (SGT)/E-5 rather than specialist four (SP4)/E-4.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending 8 March 1971
- Unit Orders Number 46, effective 19 September 1970

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 DD Form 214 is a false document concerning his rank at the time of separation.
3. On 5 March 1969, the applicant was inducted into the Regular Army of the United States.
4. He began service in the Republic of Vietnam on 8 May 1970.
5. On 15 June 1970, the applicant was promoted to SP4/E-4.
6. Orders Number 46, published by the 46th Ordnance Company, Cam Ranh Bay, Republic of Vietnam, appointed the applicant as: 1- Reenlistment Noncommissioned Officer (NCO), 2- Training NCO, 3- Representative for Personnel Hire, effective 19 September 1970. Review of these orders reflect the applicant's rank as SGT/E-5.
7. Special Order A-028, published by 26th Aeromedical Staging Flight (Pacific Air Forces), Army Post Office San Francisco, dated 26 January 1971, designated the

applicant for travel, in patient status to Fort Gordon, GA. Review of this order reflects the applicant's rank as Specialist Five (SP5)/E-5.

8. He departed the Republic of Vietnam on 30 January 1971.

9. Special Orders 63, published by Headquarters U.S. Army School/Training Center and Fort Gordon, Fort Gordon, GA on 4 March 1971, relieved the applicant from active duty and transferred him to the U.S. Army Reserve (USAR), effective 5 March 1971. Review of these orders reflect the applicant's rank as SP4/E-4.

10. A Standard Form 502 (Clinical Record – Narrative Summary) document dated 8 March 1971, shows the applicant was air evacuated from the Republic of Vietnam with a diagnosis of right lower lobe pneumonia. Review of this document reflects the applicant's rank as SP5/E-5.

11. On 8 March 1971, the applicant was relieved from active duty and transferred to the USAR in the rank of SP4/E-4. His DD Form 214 shows he was relieved under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), with Separation Program Number 201 (Expiration of Term of Service). He was assigned Reenlistment Code 1. His service was characterized as honorable. He completed 2 years and 4 days of active service. He was awarded or authorized the National Defense Service Medal, Vietnam Campaign Medal, Marksman (Rifle) Badge and Vietnam Service Medal.

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 applicant's petition and available military records, the Board determined his record contains Orders promoting him to sergeant (SGT)/E-5, effective 19 September 1970 and the applicant was released from active duty on 8 March 1971. The Board determined relief was warranted.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	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 8 March 1971 to show in:

- item 5a (Grade, Rate or Rank): SGT
- item 5b (Pay Grade): E-5
- item 6 (Date of Rank): 19 September 1970

4/11/2025

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.

ADMINISTRATIVE NOTE(S):

1. Army Regulation 635-5 (Separation Documents), in effect at the time, stated the DD Form 214 was to list all decorations, service medals, campaign credits, and badges awarded or authorized.
2. Army Regulation 600-8-22 (Military Awards) states a bronze service star will be awarded, for wear on the Vietnam Service Medal, for participation in each campaign.

Recognized campaigns for Vietnam include the Sanctuary Counteroffensive (1 May 1970 to 30 June 1970), and Vietnam Counteroffensive-Phase VII (1 July 1970 to 30 June 1971).

3. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) shows DAGO Number 8, dated 1974 awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, United States Army Vietnam, and its subordinate units during the period 20 July 1965 to 28 March 1973.

4. A review of the applicant's record shows his DD Form 214, for the period ending 8 March 1971, is missing important entries that affect recognition for his acts of heroism. As a result, amend the DD Form 214 by adding the following entries in item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):

- Vietnam Service Medal with two bronze service stars
- Republic of Vietnam Campaign Medal with 60 Device
- Republic of Vietnam Gallantry Cross with Palm
- Overseas Service Bar

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 600-200 (Personnel Separations – Enlisted Personnel Management), prescribes policies and procedures for career management of Army enlisted personnel. Paragraph 2-41 provides that a Soldier who laterally appointed from specialist four/specialist five to corporal/sergeant under this provision will retain the rank to which laterally appointed except as provided below:
 - a. Medical inability to perform the required duties of an NCO in that military occupational specialty (MOS).
 - b. Disciplinary actions taken under Uniform Code of Military Justice, if such action adversely affects the Soldier's ability to perform the duties of a noncommissioned officer.
 - c. Loss of qualification which makes the Soldier incapable of satisfactorily performing the duty in the MOS.

//NOTHING FOLLOWS//