

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 February 2025

DOCKET NUMBER: AR20240006449

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show a change in his middle initial and award of the following:

- Purple Heart
- Army Good Conduct Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, 29 January 1971
- National Personnel Records Center, dated 17 December 2007

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 is requesting his middle initial be changed from G. to T. In addition, he is requesting the addition of the following awards and decorations:

- Purple Heart
- Army Good Conduct Medal
- Republic of Vietnam Campaign Ribbon w/device (1960)
- Expert Marksmanship Qualification Badge with/Rifle Bar M-16

3. The applicant provided a letter received from the National Personnel Records Center that indicated he was awarded and/or authorized:

- Purple Heart
- Army Good Conduct Medal
- National Defense Service Medal
- Vietnam Service Medal with 2 bronze service stars
- Combat Infantryman Badge (1st Award)
- Republic of Vietnam Campaign Ribbon w/device (1960)
- Expert Marksmanship Qualification Badge with/Rifle Bar
- Sharpshooter Marksmanship Qualification Badge with/Rifle Bar

4. The applicant did not provide a copy of his birth certificate validating a name change.

5. A review of the applicant's official record shows:

a. He was inducted into the Army of the United States on 23 January 1969.

b. His DA Form 20 (Enlisted Qualification Record) shows he served in Vietnam from 5 June through 15 September 1969, through three campaigns. He was assigned to Company B, 1st Battalion, 61st Infantry, 1st Brigade, 5th Division on 30 May 1969 and Company A, 1st Battalion, 61st Infantry, 1st Brigade, 5th Division on 9 July 1969.

c. His Da Form 20 Block 38 (Record of Assignments) lists only excellent conduct and efficiency ratings outside of unknown periods during permanent change of stations. It also shows he was promoted as listed below with one record of reduction:

- 23 January 1968 – private, E-1
- 28 March 1968 – private, E-2 (P)
- 28 May 1969 – private first class, E-3 (P)
- 14 October 1969 – private, E-2 (P)
- 16 January 1970 – private first class, E-3 (P)
- 16 April 1970 – specialist, E-4

6. On 6 October 1972, the applicant was issued a DD Form 215 (Correction to DD Form 214) correcting item 24 by:

- adding Purple Heart
- deleting Marksman Marksmanship Qualification Badge with Rifle Bar (M-16) and adding Expert Marksmanship Qualification Badge with Rifle Bar (M-16)

7. 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.

8. 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.

9. By regulation (AR 635-5), the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

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 and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined there is insufficient evidence to support a correction to the applicant's middle initial. The Board found that the evidence provided does not substantiate a probable error or injustice. The applicant consistently used the contested middle initial throughout the entirety of their military service. The applicant did not provide a birth certificate or other official documentation validating a legal name change. In accordance with Army Regulation 635-5, the DD Form 214 must reflect the conditions as they existed at the time of separation. Without substantiating documentation, the Board found relief for a change to the applicant's middle initial is without merit.

2. The Board noted, the applicant served honorably in Vietnam and received excellent conduct and efficiency ratings throughout his assignments. His DA Form 20 and DD Form 215 verify the award of the Purple Heart and the Expert Marksmanship Qualification Badge with Rifle Bar (M-16). Additionally, based on his service duration and conduct, he meets the criteria for the Army Good Conduct Medal (AGCM). Therefore, the Board granted partial relief to award the AGCM 1st Award.

3. The Army has an interest in maintaining the integrity of its records for historical purposes. The information in those records must reflect the conditions and circumstances that existed at the time the records were created. In the absence of evidence that shows a material error or injustice, there is a reluctance to recommend

that those records be changed. The applicant is advised that a copy of this decisional document, along with his application and the supporting evidence he provided, will be filed in his official military records. This should serve to clarify any questions or confusion regarding the difference in the middle initial recorded in his military records and to satisfy his desire to have his legal middle initial documented in his military records.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
XXX	XXX	XXX	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the administrative notes annotated by the Analyst of Record (below the signature), the Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by awarding him the Army Good Conduct Medal (1st Award) for exemplary service from 23 January 1969 to 29 January 1971 and adding the medal to his DD Form 214.
2. The Board further determined 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 Purple Heart, Republic of Vietnam Campaign Medal with Device (1960) and Expert Marksmanship Qualification Badge with Rifle Bar (M-16)

//SIGNED//
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):

A review of the applicant's service records show he is authorized additional awards not annotated on his DD Form 214 for the service period ending 10 June 1970. As a result, correct his DD Form 214 to show:

- Republic of Vietnam Campaign Medal with Device (1960)
- Republic of Vietnam Gallantry Cross Unit Citation with Palm

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 Citations 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. Department of the Army General Orders (DAGO) Number 8, dated 1974, awarded the Republic of Vietnam Gallantry Cross Unit Citation with Palm to Headquarters, United States Army Vietnam, for service in Vietnam for the period of 20 July 1965 to 28 March 1973.

//NOTHING FOLLOWS//