

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 February 2025

DOCKET NUMBER: AR20240006463

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 5 May 1970 to show award of the Republic of Vietnam Campaign Medal with Device (1960).

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- Self-authored statement, undated
- DD Form 214

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 he is eligible for the Republic of Vietnam Campaign Medal with Device (1960). He believes, per regulatory guidance, he meets the criteria as he serviced in the Republic of Vietnam for six months during the eligibility period of 1 March 1961 through 28 March 1973. Therefore, he would like his DD Form 214 amended to show the award.
3. The applicant was inducted into the Army of the United States on 6 May 1968. He completed his initial entry training and was awarded military occupational specialty 71B (Clerk-Typist).
4. Headquarters, 1st Basic Combat Training Brigade, Fort Jackson, SC, Special Orders Number 138, 24 June 1968 awarded him the Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14) effective 18 June 1968.
5. His DA Form 20 (Enlisted Qualification Record) shows in:

a. item 31 (Foreign Service), he received overseas tour credit for service in U.S. Army Pacific-Vietnam from 5 May 1969 through 2 August 1969 (2 months and 28 days); and

b. item 38 (Record of Assignments), he was assigned to Headquarters and Headquarters Battery, 6th Battalion, 56th Artillery Regiment, U.S. Army Pacific, from on or about 13 May 1969 through on or about 2 August 1969.

6. He was honorably released from active duty and transferred to the U.S. Army Reserve Control Group (Annual Training) on 5 May 1970. He completed 2 years of total active service. His DD Form 214 shows in:

a. item 22c (Foreign and/or Sea Service), foreign service in Vietnam for 2 months and 28 days;

b. item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized), no award of Republic of Vietnam Campaign Medal with Device (1960) or Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14); and

c. item 30 (Remarks) shows the entry: Vietnam Service: 5 May 1969 – 2 August 1969 (a period of 2 months and 28 days).

#### BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the regulatory guidance requiring 6 months of service in Vietnam to qualify for the requested award and the applicant's record reflecting only two months of Vietnam service, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's military record.

Prior to closing the case, the Board did note the administrative notes below from the analyst of record and recommended those changes be completed to more accurately reflect the military service of the applicant.

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

1. The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.
2. Prior to closing the case, the Board did note the administrative notes below from the analyst of record and recommended those changes be completed to more accurately reflect the military service of the applicant.

//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): The applicant is authorized administrative correction of his DD Form 214 for the period ending 5 May 1970 without Board action to show the following awards:

- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

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 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record; it is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. Army Regulation 600-8-22 (Military Awards) implements a part of the Army Awards Program. It prescribes Department of the Army (DA) policy, criteria, and procedures for individual and unit military awards and foreign decorations and badges. Paragraph 9-14 states the Republic of Vietnam Campaign Medal is awarded by the government of the Republic of Vietnam to Servicemembers of the U.S. Armed Forces.

a. To qualify for award personnel must meet one of the following requirements:

(1) Have served in the Republic of Vietnam for 6 months during period specified in paragraph 9–14b.

(2) Have served outside the geographical limits of the Republic of Vietnam and contributed direct combat support to the Republic of Vietnam and Armed Forces for 6 months. Individuals must meet the criteria established for the AFEM (Vietnam) or the VSM during the period of service required to qualify for the Republic of Vietnam Campaign Medal.

(3) Have served as stated in paragraphs 9–14a(1) or 9–14a(2) for less than 6 months and have been one of the following:

- (a) Wounded by hostile forces.
- (b) Captured by hostile forces, but later escaped, was rescued, or released.
- (c) Killed in action or otherwise in line of duty.

(4) Personnel assigned in the Republic of Vietnam on 28 January 1973 must meet one of the following:

- (a) Served a minimum of 60 days in the Republic of Vietnam as of that date.

(b) Completed a minimum of 60 days service in the Republic of Vietnam during the period from 28 January 1973 to 28 March 1973, inclusive.

b. Eligibility for award under authority of this paragraph is limited to the period from 1 March 1961 to 28 March 1973, inclusive.

4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register), lists the awards received by units serving in Vietnam. This pamphlet shows the unit to which the applicant was assigned was awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation in Department of the Army General Order Number 8, 19 March 1974.

//NOTHING FOLLOWS//