

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 March 2025

DOCKET NUMBER: AR20240006598

APPLICANT REQUESTS: his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) be amended to reflect his foreign service in Vietnam.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

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 performed temporary duty (TDY) in Vietnam for 10 days and then an estimated 35 days between August 1969 and October 1969. He seeks to have this time properly reflected in his service record. He further stated that the time was discovered when he applied for Department of Veterans Affairs (VA) for benefits.
3. A review of the applicant's service records shows:
 - a. He was inducted into the Army of the United States on 5 December 1967.
 - b. His DA Form 20 (Enlisted Qualification Record) shows in Block 38 (Record of Assignments) the applicant was enroute to Korea with an effective date of 19 June 1969.
 - c. On 18 March 1969, a request for operational deferment was approved by the applicant's company commander.
 - d. On 28 April 1969, Special Orders Number 77 shows the applicant with an assignment date of 12 June 1969 to Korea.

e. On 29 May 1969, Special Orders Number 95 shows the applicant was assigned to the 44th AD in Korea.

f. On 8 August 1969, Special Orders Number 165 shows the applicant was assigned to the 236th MP DET, Walter Reed Medical Center (WRAMC) located in Washington DC.

g. On 18 November 1969, Special Orders Number 242 shows the applicant was relieved from active duty and transferred to the United States Army Reserve effective 4 December 1969.

i. On 4 December 1969, he was honorably discharged from active duty for Expiration Term of Service (ETS). His DD Form 214 shows he completed 2 years of active service with no lost time. Block 22c (Foreign Service) does not include any time served.

j. The applicant's records do not reflect he performed TDY to Vietnam, nor does it show where the applicant physically reported to Korea.

5. By regulation (AR 15-185), 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.

6. 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.

a. Item 22 c. (Foreign and /or Sea Service) will show the total amount of foreign service performed during the period covered by block 22 a. (1) (Net Active Service This Period).

b. Item 30 (Remarks), for Soldiers who deployed with his or her unit during their continuous period of active service, enter a statement "SERVICE IN (name of country deployed) FROM (inclusive dates for example, YYYYMMDD-YYYYMMDD)."

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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 acknowledged the applicant's assertions that he performed approximately 45 days of TDY in Vietnam and only became aware of this service when applying for Department of Veterans Affairs (VA) benefits. The Board recognized the applicant's honorable service and the importance of accurately documenting foreign service, the evidence of record does not support the requested amendment.

2. The Board noted the applicant's DA Form 20 and associated special orders, confirms assignments to Korea and later to Walter Reed Medical Center in Washington, D.C. However, there is no documentation such as orders, travel vouchers, or assignment records verifying TDY to Vietnam. The Board found the applicant's DD Form 214, issued upon discharge on 4 December 1969, does not reflect any foreign service in Item 22c, nor does Item 30 (Remarks) include a deployment statement. Additionally, the record does not confirm that the applicant physically reported to Korea, further complicating verification of overseas service. The Board found by regulation, the DD Form 214 must reflect conditions as they existed at the time of separation, and amendments require substantiating documentation. The Board is not an investigative body and must base its decisions on the evidence presented. In this case, the applicant has not provided sufficient documentation to establish that TDY to Vietnam occurred or that it meets the criteria for inclusion on the DD Form 214. Based on this, the Board determined that the applicant's DD Form 214 accurately reflects his service record as documented and denied relief for his DD Form 214 to reflect foreign service in Vietnam.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XXX	XXX	XXX	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

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.

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. 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.
3. Army Regulation 635-5 (Separation Documents – Personnel Separations) states 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.

4. 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.

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//NOTHING FOLLOWS//