

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 February 2025

DOCKET NUMBER: AR20240007107

APPLICANT REQUESTS: in effect, reconsideration of his previous request for correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show he served in Cambodia. He also requests an appearance before the Board by telephone.

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

- Operational Report
- Excerpts from web sites

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20230004663 on 16 November 2023.

2. The applicant states he has provided documentation regarding the service of his battalion of the 3rd Brigade, 9th Infantry Division, in Cambodia, which he was a part of.

3. The applicant was inducted into the Army of the United States on 27 February 1969. After completing initial entry training, he was awarded military occupational specialty 11B (Light Weapons Infantryman). He arrived in Vietnam on or about 31 July 1969. Item 38 (Record of Assignments) on his DA Form 20 (Enlisted Record Brief) shows the following assignment history in Vietnam:

- 14 August 1969 – assigned to duty with Company C, 2nd Battalion, 60th Infantry, 3rd Brigade, 9th Infantry Division
- 26 March 1970 – assigned to duty with Headquarters and Headquarters Company, 2nd Battalion, 60th Infantry, 3rd Brigade, 9th Infantry Division
- On or about 27 September 1970 – departed Vietnam in a casual status to return to the United States

4. On 30 September 1970, he was honorably released from active duty. The

DD Form 214 he was issued at that time shows he served in the Republic of Vietnam from 31 July 1969 through 29 September 1970 in block 30 (Remarks).

5. The available service personnel records make no reference to the applicant entering Cambodia with his unit.
6. The applicant provides an Operational Report, 15 August 1970, describing the lessons learned by the 3rd Brigade, 9th Infantry Division, during the period ending 31 July 1970. The report mentions the brigade's participation in Cambodian operations but does not provide significant details on the scope and duration of Cambodian operations.
7. The applicant also provides excerpts from web sites describing joint Army of the Republic of Vietnam and U.S. Army operations in Cambodia in 1970.
8. In Docket Number AR20230004663 on 16 November 2023, the Board denied relief, noting the available evidence was insufficient as a basis for adding Cambodia service to his record.
9. Army Regulation 635-5 (Separation Documents), then in effect, governed preparation of the DD Form 214. The regulation, as amended, provided for entering periods of service in Vietnam in block 30 (Remarks) of the DD Form 214. The regulation did not provide for recording service in Cambodia that was incidental to participation in military operations in support of the Republic of Vietnam.
10. Army Regulation 15-185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. Applicants do not have a right to a formal hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found 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 the applicant served in Vietnam from 31 July 1969 through 29 September 1970. His assignment history, as documented on his DA Form 20, confirms service with the 2nd Battalion, 60th Infantry, 3rd Brigade, 9th Infantry Division.

2. The Board recognized the applicant submitted an operational report and excerpts from online sources referencing Cambodian operations, however, the available official personnel records do not confirm his individual presence in Cambodia. Army Regulation 635-5, in effect at the time, authorized annotation of Vietnam service in block 30 of the DD Form 214 but did not provide for recording incidental service in Cambodia. The Board agreed there is insufficient evidence to support correction of the DD Form 214 to reflect Cambodian service and denied that portion of the request.

3. However, the Board noted the Army Good Conduct Medal (AGCM) (1st Award), for which the applicant appears to have met eligibility criteria for exemplary service, was not annotated on his DD Form 214. The omission of this award constitutes an administrative oversight. Based on this, the Board granted partial relief to award the Army Good Conduct Medal.

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. 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 amending the applicant's DD Form 214 for the period ending 30 September 1970 to show award the Army Good Conduct Medal (1st Award) for exemplary service from 27 February 1969 to 30 September 1970 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 reconsideration of his previous request for correction of his DD Form 214 to show he served in Cambodia.

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 635-5 (Separation Documents), then in effect, governed preparation of the DD Form 214. The regulation, as amended, provided for entering periods of service in Vietnam in block 30 (Remarks) of the DD Form 214. The regulation did not provide for recording service in Cambodia that was incidental to participation in military operations in support of the Republic of Vietnam.
3. 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 begins its consideration of each case

with the presumption of administrative regularity. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. Paragraph 2-11 states applicants do not have a right to a formal hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//