

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 February 2025

DOCKET NUMBER: AR20240008177

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) by:

- Adding the Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Awarding and adding to his DD Form 214 the Meritorious Unit Award

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

- DD Form 149 (Application for Correction of Military Record)
- U.S. Army Center of Military History document, 13 March 2019
- 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 would like to have the Meritorious Unit Commendation and Republic of Vietnam Gallantry Cross with Palm Unit Citation added to his DD Form 214 and any other medals he may be authorized. The 403rd Transportation Company was awarded these medals and ribbons for service in Vietnam but they were never added to his DD Form 214.
3. The applicant is entitled to additional awards not currently listed on his DD Form 214 without Board action.
4. The applicant's service record contains the following documents:
 - a. DD Form 4 (Enlistment Contract/Armed Forces of the United States) reflects he enlisted in the Regular Army on 22 August 1969.
 - b. He received the following nonjudicial punishments under Article 15, Uniform

Code of Military Justice) on:

(1) 13 November 1970 for being derelict in the performance of his duties in that he willfully failed to walk to his post as a sentinel for the post guard. He was found guilty, and received forfeitures of \$25.00 per month for one month, and a reduction from private first class (PFC) to private (E2) (suspended) until 12 December 1970. He did not appeal.

(2) 15 September 1971 for being absent from his unit, to wit: Company C, 1st Battalion, 35th Armor, 4th Armor Division. He was found guilty and received restriction and extra duties for 7 days. He did not appeal.

c. His record is void of any DA Forms 20 (Personnel Qualification Record), General Orders to show he served during the period authorized for the Meritorious Unit Commendation, Orders for the Army Good Conduct Medal, or any other awards.

d. Due the absence of his DA Form 20, we are unable to see his conduct and efficiency rating, or what period he served with the 403rd Transportation Unit for the award of the Meritorious Unit Commendation.

5. On 11 February 1972, he was honorably separated and transferred to the U.S. Army Reserve Control Group (Annual Training). His DD Form 214 shows the following:

- Item 12 (Last Duty Assignment and Major Command): 403rd Transportation Company, U.S. Army Reserve, Vietnam
- Item 22a(1) (Net Service This Period): 2 years, 5 months and 26 days
- Item 22c (Foreign and/or Sea Service: U.S. Army Pacific (USARPAC) 1 year, 11 months and 23 days
- Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized): National Defense Service Medal, Vietnam Service Medal and the Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
- Item 30 (Remarks): Vietnam Service – 3 April 1971 to 11 February 1972

6. The applicant's service records are void of any orders awarding him the Meritorious Unit Commendation. In addition, a review of the Awards and Decorations Computer-Assisted Retrieval System, an index of general orders issued during the Vietnam era between 1965 and 1973 maintained by the U.S. Army Human Resources Command, failed to reveal any orders for the Meritorious Unit Commendation pertaining to the applicant.

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 the available military records, the Board determined that there is insufficient evidence to support awarding the Meritorious Unit Commendation. Specifically, the applicant's service record is void of a DA Form 20, conduct and efficiency ratings, and any general orders confirming his assignment to the unit during the period for which the Meritorious Unit Commendation was authorized.

2. However, the Board acknowledged the applicant's assertion that the 403rd Transportation Company, his final duty assignment in Vietnam, had been awarded both the Meritorious Unit Commendation and the Republic of Vietnam Gallantry Cross with Palm Unit Citation. The Board found no supporting documentation to justify adding the Meritorious Unit Commendation, it agreed that the applicant's service in the Republic of Vietnam warranted correction of his DD Form 214 to include the Republic of Vietnam Gallantry Cross with Palm Unit Citation. Therefore, the Board granted partial relief.

3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

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 amending the applicant's DD Form 214 for the period ending 11 February 1972 to add the Republic of Vietnam Gallantry Cross with Palm Unit Citation.

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 awarding and adding to the applicant's DD Form 214 the Meritorious Unit Award.

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.

ADMINISTRATIVE NOTES:

The applicant is entitled to the additional awards, which are not currently listed on his DD Form 214. Add the following awards:

- Item 26 (Awards):
 - Vietnam Service Medal with three bronze service stars
 - Republic of Vietnam Campaign Medal with 1960 Device

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 (Personnel Separations – Separation Forms), in effect at the time, prescribe forms to be used in the separation of Army personnel and are applicable to all officer and enlisted personnel on active duty. They also apply to certain members of the Reserve components on active duty for training. Appendix III (Instructions for the preparation and distribution of the Armed Forces of the United States Report of Transfer or Discharge (DD Form 214)). All available records will be used as a basis for the preparation of PD, Form 214a (Worksheet), including DA Form 20 (Personnel Qualification Record).

3. AR 600-8-22 (Military Awards) states effective 1 March 1961 the Meritorious Unit Commendation is awarded to units for exceptionally meritorious conduct in the performance of outstanding services for at least six continuous months in support of military operations. Service(s) as used in this paragraph is interpreted to relate to combat service support type activities and not to the type of activities performed by senior headquarters, combat, or combat support units.

a. The Vietnam Service Medal was awarded to all service members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through 28 March 1973. Qualifying service included attachment to or assignment for 1 or more days with an organization participating in or directly supporting military operations. One bronze service star is authorized with the Vietnam Service Medal for each campaign during which a member was assigned or attached to and present for duty with a unit during the period in which it participated in combat.

b. A bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign.

- Vietnam Counteroffensive, Phase VII, 1 July 1970—30 June 1971
- Consolidation I, 1 July 1971—30 November 1971
- Consolidation II, 1 December 1971—29 March 1972

c. Republic of Vietnam Campaign Medal. This medal was awarded by the Government of Vietnam to all members of the Armed Forces of the United States for qualifying service in Vietnam during the period 1 March 1961 through 28 March 1973. Qualifying service included assignment in Vietnam for 6 months or more.

4. Army Regulation 672-5-1 (Awards), in effect at the time, states 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. 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.

5. Department of the Army General Order (DAGO) Number 8, dated 1974, announced award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Military Assistance Command and its subordinate units during the period 8 February 1962 to 28 March 1973 and to Headquarters, U.S. Army Vietnam and its subordinate units during the period 20 July 1965 to 28 March 1973.

6. DA Pam 672-3 (Unit Citation and Campaign Register) shows the 403rd Transportation Detachment was authorized the Meritorious Unit Award only for the period of 28 December 1968 to 31 March 1970, pursuant to DAGO 52, 1074.

7. 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 applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//