

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 January 2025

DOCKET NUMBER: AR20240008280

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

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

- Two DD Forms 149 (Application for Correction of Military Record)
- National Personnel Records Center Letter
- Birth Certificate
- Department of Veterans Affairs (VA) Letter
- DD Form 214
- VA Health-eVet Report
- Department of Defense Identification Card; U.S. Passport; Driver's License

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, for legal reasons, his DD Form 214 should reflect the first name listed on his birth certificate ("P_D__"); currently, his DD Form 214 has the first name of "P_T__." In support of his request, he supplies documents that all identify his first name as "P_D__"; those documents include his birth certificate, U.S. Passport, and driver's license.
3. A review of the applicant's service record shows the following:
 - a. On 3 September 1968, the applicant enlisted into the Regular Army for 2 years; all enlistment documents identify his first name as "P_T__." On 12 February 1969, and on or near his graduation date from advanced individual training in military occupational specialty (MOS) 11C (Infantry Indirect Fire Crewman), the applicant's training unit reported him as absent without leave for one day (12 February 1969).

b. Upon completion of initial entry training and the award of MOS 11C, orders transferred him to Vietnam, and he arrived in country, on 7 March 1969. Orders further assigned him to the 2nd Battalion, 14th Infantry Regiment, 25th Infantry Division.

c. On 29 September 1969, Headquarters, 25th Infantry Division General Orders (GO) awarded the applicant the Army Commendation Medal (1st Award) for meritorious achievement, during the period 1 July to 31 August 1969.

d. The applicant's DA Form 20 (Enlisted Qualification Record) indicates that, effective 8 November 1969, intratheater orders reassigned him to the 87th Infantry, 92nd Military Police Battalion. On 6 February 1970, Headquarters, U.S. Army, Vietnam GO awarded him an Army Commendation Medal (2nd Award) for meritorious service, from March 1969 to March 1970.

e. On 5 March 1970, the applicant completed his tour in Vietnam and orders reassigned him to an infantry battalion at Fort Carson, CO. On 3 September 1970, the Army honorably released him from active duty and transferred him to the U.S. Army Reserve. His DD Form 214 shows he completed 2 years of his 2-year enlistment contract. The report additionally reflects the following:

(1) Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized):

- Army Commendation Medal (1st Award)
- National Defense Service Medal
- Vietnam Service Medal with two bronze service stars
- Combat Infantryman Badge
- Republic of Vietnam Campaign Medal with Device (1960)

(2) Item 26a (Non-Pay Periods Time Lost): 12 to 12 February 1969.

f. The applicant's DA Form 20 identifies his first name as "P_T__." Additionally, the form shows:

- Item 33 (Appointments and Reductions) shows the applicant's leadership progressively promoted him up to the rank/grade of specialist four/E-4; there are no rank reductions
- Item 38 (Record of Assignments – Conduct/Efficiency) indicates his chain of command rated him "Excellent" throughout his term of active duty.

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 review based on law, policy, and regulation. The evidence presented does not demonstrate the existence of a probable error or injustice. The applicant used the contested name during his entire period of service. The Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned. Based on the service record and a preponderance of the evidence, the Board denied relief. The Board minority determined the evidence provided by the applicant, including the applicant's birth certificate, was sufficient to warrant an amendment to his record.

2. 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.

3. 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 name recorded in his military records and to satisfy his desire to have his name documented in his military records.

4. Prior to closing the discussion, the Board reviewed and concurred with the administrative note below.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	■	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	:	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.

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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):

1. The applicant served in Vietnam, from 7 March 1970 to 5 March 1971; his service qualifies him for three bronze service stars, but his DD Form 214 currently lists only two bronze service stars. Further, the applicant received two Army Commendation Medals; only one is reflected on his DD Form 214.

2. While in Vietnam, the applicant served in the 2nd Battalion, 14th Infantry Regiment, from 15 March to 7 November 1969; Department of the Army General Orders (DAGO) Number 51, dated 1971, awarded this unit the Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation, for the period 20 April 1966 to 21 January 1970. In addition, per DAGO Number 8, dated 1974, all units that served in Vietnam were awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation.

3. Based on the foregoing, amend the applicant's DD Form 214, ending 3 September 1970, by deleting the Vietnam Service Medal with two bronze service stars and the Army Commendation Medal (1st Award), and then by adding the following awards:

- Army Commendation Medal (2nd Award)
- Vietnam Service Medal with three bronze service stars
- Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

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 (AR) 635-5 (Separation Documents), in effect at the time, included guidance for the preparation of the DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge). Regarding name, the regulation instructed preparers to enter the Soldier's last name, first name, and full middle name, if any.
3. AR 672-5-1 (Awards), in effect at the time, stated, in chapter 1 (Medals), section III (Good Conduct Medal), that 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; however, for first award only, Soldiers could be awarded the Army Good Conduct Medal, upon termination of their service on or after 27 June 1950, when they had served less than 3 years but more than 1 year. Additionally, the Soldiers must have had all "Excellent" conduct and efficiency ratings and no court-martial convictions.

//NOTHING FOLLOWS//