

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 March 2025

DOCKET NUMBER: AR20240009853

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 6 February 1971, to show:

- item 4a (Grade, Rate or Rank) – Specialist 5 (SP5)
- item 11 (Primary Specialty) – 11B20
- item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized):
 - National Defense Service Medal
 - Vietnam Service Medal w/4 bronze service stars
 - Combat Infantryman Badge
- Item 18 (Remarks) – “Combat Veteran”

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

- DD Form 149 (Application for Correction of Military Record)/Continuation Statement (4 pages)
- DD Form 214 service ending 6 February 1971
- Personnel Qualification Record (page 1)
- Memorandum, Subject: Application for Reserve Enlistment Grade Determination dated 18 December 1974
- Data printout dated 24 May 2006 (2 pages)
- Department of Veterans Affairs (VA) letter dated 6 February 2022
- Echoes Article

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 thanks the Board for correcting his discharge to Honorable on 11 November 2021, and since the notification he has been diagnosed with post traumatic stress disorder (PTSD) 51 years after his discharge. He understands that the

waiting time for upgrades may be a year or more, but he asks that the Board take into consideration his age, his physical and mental conditions and make a decision as soon as possible on the requested upgrade items listed below:

- item #4a to be upgraded from PV1 to SP5 and #4b to be upgraded from E1 to E5, he included a copy of a letter which specifies the authority granting him the grade of SP5 E5
- item #11 to be upgraded (Primary Specialty) to his first military occupational specialty of 11B20 because he always had infantry blood
- item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized), he requests his DD Form 214 includes the below recognitions:
 - National Defense Service Medal, this medal is applicable to the date of his discharge
 - Vietnam Service Medal w/4 bronze service stars, he believes his record should reflect credit for five Republic of Vietnam Campaigns; he was not in Vietnam for a walk, or on vacation, he went prepared for the worst, to give his life for his nation and in the National Guard there where many military exercises, in Vietnam it was real.
 - Combat Infantryman Badge or any other combat-related medals; he details in the continuation statement stressors in Vietnam that he believes qualifies him for the Combat Infantryman Badge
 - the Viet Cong launched many attacks against his camp during 1968 through 1969
 - he had to do many guards and many times they announced that the enemy was trying to infiltrate, and this has caused him to be in a state of panic, stress and fear that any noise, no matter how small, made him tremble and fall into a state of intense nervousness
 - one evening shots began to be heard and helicopters flying over their perimeter, they were alerted and shooting started outside the perimeter very quickly, the next day he heard that bodies tangled in the wires appeared, he was always on alert in Vietnam
 - continuous bombing and running to the bunkers at night
 - a fellow Soldier that died asked him to deliver a letter home to his family
 - someone from his hometown enlisted and was killed in Vietnam had an Army National Guard post named after him and this causes him sadness
- item #18 – Remarks. In addition to what appears in this item #18 or his DD Form 214, he is also requesting that “Combat Veteran” is added, the definition of a combat veteran is generally one who has a military record indicating they received hostile fire pay, or were deployed to and served in a combat zone as he was

He also included a copy of the Army Echoes titled Thank Vietnam Veterans; he is requesting these updates because he could be mentioned in the article. He returned from Vietnam to his town, but his mind was so lost that he never worried about making sure his discharge papers included what he experienced in that war. He spent 29 years walking with PTSD without treatment and without any interest in asking for help.

3. A review of the applicant's service record shows:

a. DD Form 4 (Enlistment Contract - Armed Forces of the United States) shows the applicant had prior service in the United States Army Reserve (USAR) with his date of enlistment as 27 September 1967 and he was discharged on 6 February 1971 with an under honorable conditions discharge as a private E1 (PV1). He continued service through reenlistments and extensions and on 11 December 1974, he enlisted in the USAR.

b. DA Form 2-1 (Personnel Qualification Record) reviewed on 21 May 1995, show in:

- Section II, block 6 (Military Occupational Specialties) 88Z50 – Transportation Senior Sergeant (SGT) dated 12 August 1988
- Section II, block 9 (Awards, Decorations & Campaigns) the National Defense Service Medal and four Republic of Vietnam campaigns
- Section III, block 18 (Appointment and Reductions) the grade of SGT within the USAR effective 11 December 1974
- Section VII, block 35 (Record of Assignment)
 - Army National Guard (ARNGUS) January 1965 to September 1967, as a Light Weapons Infantryman for 32 months at the rank of Private First Class (PFC) within the Infantry (IN) branch in the MOS of 11B
 - Active Duty (AD) September 1967 to February 1971, as Personnel Clerk for 41 months at the rank of PV1 within the Adjutant General (AG) branch in the MOS of 71H

c. A corrected DD Form 214 for the period ending 6 February 1971, shows in block 12a that the applicant entered active duty this period on 27 September 1967 and was released from active duty by secretarial authority with a reentry (RE) code of 3B. It also shows service characterization was upgraded per Army Board for Correction of Military Records (ABCMR) proceedings AR 20180007992 on 11 January 2021.

d. The available service record is void of any documentation showing the applicant was awarded the Combat Infantryman Badge.

4. The applicant provides:

- a. DA Form 2-1, block 6; 64C4O (Motor Transport Operator.
 - b. 356 Medical Detachment (Veterinary Services), Memorandum, Subject: Application for Reserve Enlistment Grade Determination dated 18 December 1974, granted authority to enlist the applicant in the USAR in the grade SP5/E5 in the MOS 71H20.
 - c. Data printout dated 24 May 2006, shows on the second page he entered the Regular Army on 27 September 1967 and was honorably separated on 6 February 1971, it also shows his combat service in Vietnam from 10 July 1968 to 9 July 1969.
 - c. Department of Veterans Affairs letter dated 6 February 2022, ordered the applicant entitlement to service connection for PTSD was granted.
 - d. A portion of an Echoes article titled, "Thank Vietnam Veterans!"
5. On 11 January 2021, the ABCMR rendered a decision in Docket Number AR20180007992. The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by reissuing the applicant's DD Form 214 for the period ending 6 February 1971 showing his character of service as Honorable and the narrative reason as Secretarial Authority.
6. A review of the applicant's service record confirms administrative entries were omitted from his DD Form 214. The entries will be added to his DD Form 214 as an administrative correction and will not be considered by the Board. The Board will consider his request to be granted and or awarded in:
- item 4a (Grade, Rate or Rank) – Specialist 5 (SP5)
 - item 11 (Primary Specialty) – 11B20
 - item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) - Combat Infantryman Badge
 - item 18 (Remarks) – "Combat Veteran"

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 determined the applicant was honorably discharged on 6 February 1971 with

the rank of Private (PV1) and served in the Adjutant General branch as a Personnel Clerk (MOS 71H). While the applicant later served in the U.S. Army Reserve and was authorized enlistment in the grade of SP5/E5 in 1974, there is no documentation showing he held that rank during his active-duty period ending in 1971. The Board agreed, although his record reflects prior service in the Infantry branch and participation in four Vietnam campaigns, there is no official documentation confirming award of the Combat Infantryman Badge or assignment to an infantry MOS during his active-duty period. The Board determined there is insufficient evidence to support the addition of "Combat Veteran" in the remarks section, as this designation is not authorized for entry on the DD Form 214. Therefore, the Board determined that the applicant has not demonstrated by a preponderance of evidence that an error or injustice occurred, and relief is denied.

2. 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
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XXX	XXX	XXX	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, the Board found 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.

ADMINISTRATIVE NOTE(S):

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period beginning 27 September 1967 and ending on 6 February 1971, by amending item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized):

a. Delete: Vietnam Service Medal

b. Add:

- National Defense Service Medal
- Vietnam Service Medal with 4 bronze service stars
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.

- DA Form 2-1
- Department of the Army General Orders Number 8, dated 1974
- DD Form 214 or the period ending 16 February 1971

3. Please amend the applicant's DD Forms 214 as shown in paragraph 1a and 1b above. Provide the applicant a copy of the correction. Please ensure that the correction is recorded in the applicant's official military personnel record.

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 600-8-22 (Military Awards) states:

a. National Defense Service Medal is awarded for honorable active service for any period between 27 July 1950 and 27 July 1954, 1 January 1961 and 14 August 1974, 2 August 1990 and 30 November 1995, and 11 September 2001 and a date to be determined. Second and subsequent awards of the National Defense Service Medal are denoted by a bronze service star affixed to the National Defense Service Medal.

b. Combat Infantryman Badge was established during World War II to provide special recognition of the unique role of the Army infantryman, the only Soldier whose daily mission is to close with and destroy the enemy and to seize and hold terrain. The badge was intended as an inducement for individuals to join the infantry while serving as a morale booster for infantrymen. In developing the Combat Infantryman Badge, the War Department did not dismiss or ignore the contributions of other branches. Their vital contributions to the overall war effort were noted, but it was decided that other awards and decorations were sufficient to recognize their contributions. From the beginning, Army leadership has taken care to retain the badge for the unique purpose for which it was established. The War Department received requests to award the Combat Infantryman Badge to non-infantry individuals and units employed as infantry during tactical emergencies. All of those requests were disapproved based on the fact that the regular infantryman lived, slept, ate, and fought as an infantryman on a continuous and indefinite basis without regard to the tactical situation.

c. States the Vietnam Service Medal is awarded to all 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. Qualifying service also included temporary duty for 30 consecutive days or 60 nonconsecutive days in Vietnam or contiguous areas, except that the time limit may be waived for personnel participating in actual combat operations. This same regulation states a

bronze service star will be awarded for wear on the Vietnam Service Medal for participation in each credited campaign. A silver service star is authorized in lieu of five bronze service stars. And a bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign. A silver service star is authorized in lieu of five bronze service stars.

3. AR 635-8 (Separations Processing and Documents) 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. Block 4: Grade, Rate, or Rank - verify that active duty grade or rank and pay grade are accurate at time of separation.

b. Block 11: Primary Specialty - Enter the titles of all MOSs or areas of concentration (AOCs) awarded and held for at least 1 year during the current period of service and include for each MOS/AOC the number of years and months held. For time determinations, 16 or more days counts as a month. Do not count time in training (basic training, advanced individual training, Basic Officer's Leader Course, or MOS-producing school). Primary specialty MOS or AOC is awarded by Service school completion or by publication of orders awarding the MOS or AOC. For an enlisted Soldier, specify the first five characters of the military occupational specialty code (MOSC), which includes three characters of the MOS, the fourth character of skill and grade level in the MOS, and the fifth character of a special qualification identifier, if applicable. Enter "O" when not applicable. When MOSCs merge at skill level 5, or convert to another MOSC, make separate entries for the highest skill level in each MOSC held for at least 1 year. A single additional skill identifier may be listed immediately following the five-character MOSC. As an exception, if the primary MOS is held for less than 1 year enter the primary specialty and the number of months the MOS and/or AOC was held. Secondary, additional MOS and/or AOC will not be listed if held for less than 1 year.

c. Block 13: Block 13: Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized. List all federally recognized awards and decorations for all periods of service. Do not use abbreviations. Do not enter foreign or State level awards on DD Form 214. State awards and decorations will be entered on NGB Form 22 (National Guard Report of Separation and Record of Service) upon separation from the ARNGUS.

d. Block 18: Use this block for HQDA mandatory requirements when a separate block is not available; as a continuation for entries in blocks 9, 11, 13, and 14; or for conditional entries - Mandatory entry: "The information contained herein is subject to

computer matching within the Department of Defense (DOD) or with any other affected Federal or non-Federal agency for verification purposes and to determine eligibility for, and/or continued compliance with, the requirements of a Federal benefits program.”

4. Hagel Memorandum, dated 3 September 2014, states liberal consideration will be given in petitions for changes in characterization of service to service treatment records entries which document one or more symptoms which meet the diagnostic criteria of PTSD or related conditions. Special consideration will be given to VA determinations which documents PTSD or PTSD related conditions connected to military service. In cases in which PTSD or PTSD related conditions may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the under other than honorable conditions characterization of service.

On 25 August 2017, the Office of the Undersecretary of Defense for Personnel and Readiness issued clarifying guidance for the Secretary of Defense Directive to DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole or in part to: mental health conditions, including PTSD, traumatic brain injury, sexual assault, or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based, in whole or in part, on those conditions or experiences. The guidance further describes evidence sources and criteria and requires boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

5. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records (BCM/NRs) regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. BCM/NRs may grant clemency regardless of the type of court-martial. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice. This guidance does not mandate relief, but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief based on equity, injustice, or clemency grounds, BCM/NRs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment. Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or

had the upgraded service characterization.

//NOTHING FOLLOWS//