

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 August 2025

DOCKET NUMBER: AR20240010097

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show all applicable awards, and back pay for his accrued leave.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored letter, 8 July 2024
- DA Form 2496 (Disposition Form), 30 November 1987
- DARP Form 3170 (Application for Correction of Military records), 18 November 1987
- Privacy Act Release Statement
- Standard Form 180, 8 July 2024
- National Personnel Records Center Letter, 23 October 2024
- SG Form 83 (Patient Admission Information)
- SG Form 84 (Clinical Record Cover Sheet)
- VA Form 21-2545 (Record of Medical Examination for Disability Evaluation), 30 September 1969
- Standard Form 502 (Clinical Record), 14 July 1969
- DA Form 2496 (Disposition Form), 30 November 1987
- Email Thread, 22 October 2024
- DD Form 214, for the service period ending 5 September 1969

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 needs an updated DD Form 214 and accrued pay settlement. He is entitled to an accurate account of his military record. He indicated on his DD Form 149 that his request is also related to post-traumatic stress disorder.

3. The applicant provides:

a. A DA Form 2496 (Disposition Form) 30 November 1987, that shows the applicant was entitled to the Army Good Conduct Medal, Bronze Star Medal, Combat Infantryman Badge, and the Purple Heart.

b. A SG Form 84 (Clinical Record Cover Sheet) which notes his date of admission on 9 July 1969, with a laceration to his left ring finger. He was injured when he caught his ring finger in the back of a truck on 23 May 1969 while in Vietnam.

4. A review of the applicant's service records show:

a. He enlisted in the Regular Army on 5 December 1966 and completed the military occupational specialty 76Y (Supply Specialist).

b. His DA Form 20 (Enlisted Qualification Record) shows in:

(1) Item 31 (Foreign Service) – shows in part his service in Vietnam from 13 May 1968 to 10 July 1969; he was assigned to Headquarters and Headquarters Company, 1st Battalion (Mechanized) 50th Infantry, 123rd Airborne Brigade, Vietnam from 22 May 1968 to 25 May 1969; 67th Evacuation Hospital, Vietnam from 23 May 1969 to 8 July 1969; and Medical Hospital Center, FGH Denver, CO from 9 July 1969 to 4 September 1969.

(2) Item 38 (Record of Assignments) – shows “excellent” conduct and efficiency ratings; however, on 25 September 1967 he was rated in conduct as “good” and efficiency “unsatisfactory” and the reason listed as permanent change of station.

(3) Item 40 (Wounds) – “NONE”

(4) Item 41 (Awards, Decorations and Campaigns) – he was awarded the National Defense Service Medal, Republic of Vietnam Campaign Medal with Device (1960), Vietnam Service Medal, and the Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14).

c. He was honorably released from active duty on 5 September 1969. His DD Form 214 shows he completed 2 years, 9 months, and 1 day of active service.

- he was awarded or authorized the National Defense Service Medal, Vietnam Service Medal, Republic of Vietnam Campaign Medal with Device (1960), and two overseas service bars
- item 26b (Days Accrued Leave Paid) – has the entry “see item 30”

- item 30 (Remarks) – lists administrative entries but not his service in Vietnam; it also shows “separated from service on temporary records and soldier’s affidavit, settlement for accrued leave not made
5. The applicant’s record is void of a DA Form 481 (Military Leave Record) nor did he provide a copy.
 6. On 11 January 1989, the Army Discharge Review Board (ADRB) reviewed the applicant's request for the award of the Bronze Star Medal, Purple Heart, Combat Infantryman Badge and the Army Good Conduct Medal. The ADRB denied his request and determined the application was not submitted within the time required.
 7. The applicant's name is not shown on the Department of the Army Office of the Adjutant General Casualty Division Casualty Reference Name Listing for the period 1 January 1961 through 30 June 1973, a battle and non-battle listing of Soldiers who were killed, wounded, sick, captured, or missing during their service in Vietnam.
 8. A review of the Awards and Decorations Computer Assisted Retrieval System maintained by the U.S. Army Human Resources Command, which is an index of general orders issued during the Vietnam era between 1965 and 1973, failed to reveal any orders for the Purple Heart 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 applicant’s contentions, the military record, and regulatory guidance were carefully considered. Upon review of the applicant’s petition and available military records, the Board determined there was sufficient evidence, including his service from 5 December 1966 to 5 September 1969, a period of 2 years, 9 months, and 1 day. Based on this, the Board granted relief to correct the applicant’s record to reflect award of the Army Good Conduct Medal (First Award).

2. Upon review of the applicant’s petition and available military records, the Board determined his record is void of documentation to support he was awarded the Combat Infantryman Badge. The Board noted the applicant served as a 76Y Supply Specialist and was not assigned to an Infantry Division while in Vietnam.

3. The Board determined the applicant’s record is void of sufficient documentation to indicate that his chain of command approved or that he was ever awarded the Bronze Star Medal or the Purple Heart. The Board agreed that regulatory guidelines stipulate that approval through the chain of command, and announcement in orders are required for award of all personal decorations and formal recommendations. This board is not an investigative body.

4. Prior to closing the discussion, the Board noted and concurred with the administrative note below 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
XX	XX	XX	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant 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 5 September 1969 by:

- awarding him the Army Good Conduct Medal (First Award) for the qualifying period 5 December 1966 to 5 September 1969
- adding the Army Good Conduct Medal (First Award) to his DD Form 214

2. The Board further determined that 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 any additional amendments of his DD Form 214 in excess of the above and the administrative note(s) below.



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):

A review of the applicant's records show he was awarded or authorized the following awards not reflected on his DD Form 214 for the service period ending 5 September 1969. As a result, amend his DD Form 214 to show:

- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- one silver service star with his previously awarded Vietnam Service Medal
- Item 30 (Remarks): "Service in Vietnam from 13 May 1968 to 10 July 1969"

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 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. The Purple Heart is awarded for a wound sustained in action against an enemy or as a result of hostile action. Substantiating evidence must be provided to verify the wound was the result of hostile action, the wound must have required treatment by a medical officer, and the medical treatment must have been made a matter of official record. The Purple Heart differs from all other decorations in that an individual is not "recommended" for the decoration; rather, he or she is entitled to it upon meeting specific criteria. A Purple Heart is authorized for the first wound suffered under conditions indicated above; an oak leaf cluster is awarded to be worn on the medal or ribbon for each subsequent award. Not more than one award will be made for more than one wound or injury received at the same instant or from the same missile, force, explosion, or agent.

4. U.S. Army Vietnam (USARV) Regulation 672-5-1 (Decorations and Awards), prescribed policies, responsibilities, and criteria for awards in order to insure prompt and proper recognition of individuals. The regulation stated:

a. The Purple Heart may be awarded to U.S. personnel who are wounded or killed in action as a direct result of enemy action.

b. A wound for which the award is made must have required treatment by a medical officer and records of medical treatment for wounds or injuries received must have been made a matter of official record.

c. Authority to award the Purple Heart was delegated to hospital commanders. Further, it directed that all personnel treated and released within 24 hours would be

awarded the Purple Heart by the organization to which the individual was assigned. Personnel requiring hospitalization in excess of 24 hours or evacuation from Vietnam would be awarded the Purple Heart directly by the hospital commander rendering treatment.

d. 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.

e. The Bronze Star Medal may have been awarded for heroism or for meritorious achievement or service which did not involve aerial flight but which was performed in connection with military operations against an armed enemy including combat, support, and supply operations. The approval authority for award of the Bronze Star Medal was generally delegated no lower than brigadier generals in command of separate brigades. However, the records of the Awards Branch of the U.S. Army Human Resources Command show that authority for award of the Bronze Star Medal for service had been delegated to colonels in command of the U.S. Army Support Commands located at Saigon, Cam Ranh Bay, and Qui Nhon and in command of separate engineer brigades in Vietnam assigned to the U.S. Army Engineer Troops (Provisional).

f. There are basically three requirements for award of the Combat Infantryman Badge. The Soldier must be an infantryman satisfactorily performing infantry duties, he must be assigned to an infantry unit during such time as the unit is engaged in active ground combat, and he must actively participate in such ground combat.

g. The Army Good Conduct Medal is awarded to on a selective basis to each Soldier who distinguishes himself or herself from among his or her fellow Soldiers by exemplary conduct, efficiency, and fidelity throughout a specified period of continuous enlisted active Federal military service. There is no right or entitlement to the medal until the immediate commander has approved the award and the award has been announced in permanent orders.

(1) The periods of service of qualifying service are: (1) each 3 years completed on or after 27 August 1940; (2) for the first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; (3) 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; (4) for the first award only, upon termination of service on or after 27 June 1950 of less than 1 year when final separation was by reason of physical disability incurred in line of duty; or (5) for the first award only, for those individuals who died before completing 1 year of active Federal military service or if the death occurred in the line of duty.

(2) Throughout a qualifying period of service, the enlisted Soldier's character must have been above reproach and must meet all of the following criteria for award of

the Army Good Conduct Medal as indicated in the Soldier's record: willingly complied with the demands of the military environment, been loyal and obedient to his or her superiors, faithfully supported the goals of his or her organization and the Army, and conducted himself or herself in an exemplary manner as to distinguish him or her from fellow Soldiers.

5. Department of the Army Pamphlet 672-3 (Unit Citations and campaign Participation Credit Register) assist commanders and personnel officers in determining or establishing the eligibility of individual members for campaign participation credit, assault landing credit, and unit citation badges awarded during the Vietnam Conflict. Department of the Army General Order (DAGO) Number 51, dated 1971, awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters and Headquarters Company, 1st Battalion (Mechanized) 50th Infantry, 123rd Airborne Brigade, Vietnam from 5 April 1968 to 6 October 1969.

6. Army Regulation 600-8-10 (Leaves and Passes) states:

a. By law, payment of accrued leave is limited to 60 days one time during a military career, unless earned in a missing status, earned by a Reserve Component, retired Reserve, or retired member of the Regular Army while serving on active duty in support of a contingency operation, or earned by Soldiers who die because of an injury or illness incurred while serving on active duty in support of a contingency operation;

b. Accrued leave that exceeds 60 days at the end of the fiscal year will be lost except for SLA to provide relief to Soldiers who are not allowed leave when undergoing lengthy deployment or during periods of hostility. SLA authorizes Soldiers to carry forward up to 90 days of leave at the end of a fiscal year. Leave accrual in excess of 60 days is credited only for use, not for payment; and

c. The intent of SLA is to provide relief to Soldiers who are not allowed leave when undergoing lengthy deployment or during periods of hostility. The leave program is designed to encourage the use of leave as it accrues rather than to accumulate a large leave balance. Soldiers who build their leave balance to the maximum level risk losing their leave should a situation occur that prevents, or delays leave use.

7. Department of Defense Financial Management Regulation 7000.14-R states in pertinent part that a military member is entitled to receive payment for no more than 60 days of accrued leave during a military career.

8. Army Regulation 635-5 (Separation Documents) prescribes the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It establishes standardized policy for the preparation of the DD Form 214 and states that the DD Form 214 is a synopsis of the

Soldier's most recent period of continuous active service. The DD Form 214 provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge.

- item 24, List all federally recognized awards and decorations for all periods of service
- item 26b, enter the number of days for which individual was paid for accrued leave. DA Form 481 (Military Leave Record) on file in "Military History" section of the individual's DA Form 201 contains number of days of accrued leave
- item 30, for active-duty Soldiers deployed with their unit during their continuous period of active service, enter "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive date)"

//NOTHING FOLLOWS//