

## RECORD OF PROCEEDINGS

IN THE CASE OF

BOARD DATE: 10 February 2004  
 DOCKET NUMBER: AR2003091562

I certify that hereinafter is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in the case of the above-named individual.

	Mr. Carl W. S. Chun		Director	
	Ms. Yvonne J. Foskey		Analyst	

The following members, a quorum, were present:

	Mr. John N. Slone		Chairperson	
	Mr. Richard T. Dunbar		Member	
	Ms. Linda M. Barker		Member	

The applicant and counsel if any, did not appear before the Board.

The Board considered the following evidence:

Exhibit A - Application for correction of military records.

Exhibit B - Military Personnel Records (including advisory opinion, if any).

## THE APPLICANT'S REQUEST, STATEMENT, AND EVIDENCE:

1. The applicant requests, in effect, that his records be corrected to include all awards and decorations to which he is entitled.
2. The applicant states, in effect, that he believes his records to be in error or unjust because all of the awards and citations that he earned while serving in the Republic of Vietnam (RVN) are not listed on his separation document (DD Form 214). He claims that he should be entitled to the Expert Infantryman Badge (EIB), based on his having received proficiency pay. He also claims he received the Combat Infantryman Badge (CIB) and the Army Commendation Medal (ARCOM).
3. The applicant also claims that based on the published guidance, he is entitled to unit awards that include the Presidential Unit Citation (PUC), Meritorious Unit Commendation (MUC), and Republic of Vietnam Gallantry Cross (RVNGC) with Palm Unit Citation. Further, he claims to have participated in four campaigns and as a result to be entitled to 4 bronze service stars with his Vietnam Service Medal (VSM). The applicant finally refers to his entitlement to RVN Jump Wings and the RVN Wound Medal.
4. In support of his application, the applicant provides extracts from Department of the Army Pamphlet 672-3, which identifies unit awards; his 3 October 1969 DD Form 214; CIB orders; ARCOM orders; Proficiency Pay orders; and an Airborne Course diploma.

## CONSIDERATION OF EVIDENCE:

1. The applicant is requesting correction of error that occurred during his active duty service, which ended on 3 October 1969. The application submitted in this case is dated 20 May 2003.
2. 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 allows the Army Board for Correction of Military Records (ABCMR) to excuse failure to file within the 3-year statute of limitation if the ABCMR determines that it

would be in the interest of justice to do so. In this case, the ABCMR will conduct a review of the merits of the case to determine if it would be in the interest of justice to excuse the applicant's failure to timely file.

3. The applicant's Enlisted Qualification Record (DA Form 20) shows that he enlisted in the Regular Army and entered active duty on 4 October 1966. It also shows that he was trained in, awarded, and served in military occupational specialty (MOS) 11B (Infantryman).

4. Item 38 (Record of Assignments) of the applicant's DA Form 20 shows that he served in the RVN from 30 April 1967 through 28 April 1968. It further shows that during this tour, he was assigned to Company C, 4th Battalion, 503rd Infantry Regiment. Item 38 also indicates that he received "Excellent" conduct and efficiency ratings at each of his active duty assignments.

5. Item 41 (Awards and Decorations) of the applicant's DA Form 20 shows that during his tenure on active duty, he earned the following awards: National Defense Service Medal (NDSM); Purple Heart (PH); VSM; CIB; RVN Campaign Medal (RVNMC) with 60 Device; Two Overseas Bars; Parachutist Badge; Expert Marksmanship Qualification Badge with Rifle Bar (M-16); Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14); and Expert Marksmanship Qualification Badge with Machine Gun Bar (M-60).

6. The applicant's Military Personnel Records Jacket (MPRJ) contains no derogatory information or a unit commander disqualification that would have precluded the applicant from receiving the Army Good Conduct Medal (AGCM). It also is void of any documentation that indicates that the applicant was wounded in action a second time, or that he completed the testing requirements necessary to receive the EIB.

7. The MPRJ does contain a copy of Special Orders Number 72, dated 12 March 1968, published by Headquarters 173rd Airborne Brigade, which awarded the applicant the CIB. It also contains a copy of General Orders Number 1230, dated 2 May 1968, published by Headquarters, 173rd Airborne Brigade, which awarded the applicant the ARCOM, for meritorious service from April 1967 through April 1968. It further contains a copy of General Orders Number 185, dated 1 December 1967, published by the 85th Evacuation Hospital, which awarded the applicant the PH, for wounds he received in action on 23 November 1967. Finally it contains orders awarding the applicant proficiency pay, effective 1 April 1969, and an Airborne Course Diploma that shows he completed the airborne course at Fort Benning, Georgia on 25 March 1967.

8. On 3 October 1969, the applicant was honorably released from active duty (REFRAD), by reason of expiration of his term of service. At the time, he had completed a total of 3 years of active military service. The DD Form 214 issued to him on the date of his separation contained the following list of awards he earned during his tenure on active duty: NDSM; VSM, RVNMC; Parachutist Badge; PH; Expert Marksmanship Qualification Badge with Rifle Bar (M-16); Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14); and Expert Marksmanship Qualification Badge with Machine Gun Bar (M-60).

9. Army Regulation 600-8-22 (Military Awards) prescribes Army policy and criteria concerning individual military awards. Paragraph 2-13 of the awards regulation contains guidance on the VSM. It states, in pertinent part, that a bronze service star is authorized with this award for each campaign a member was credited with participating in while serving in the RVN. Appendix B confirms that the applicant was credited with participation in the following four campaigns during tenure of service in the RVN: Vietnam Counteroffensive, Phase II; Vietnam Counteroffensive, Phase III; TET Counteroffensive; and Vietnam Counteroffensive, Phase IV.

10. Chapter 4 of the awards regulation prescribes the policy for award of the AGCM. It states, in pertinent part, that it is authorized for each 3 years of qualifying honorable service completed on or after 27 August 1940. While there is no automatic entitlement to the AGCM, disqualification must be justified.

11. Chapter 8 of the awards regulation contains the policy for awarding

combat and special skill badges. Paragraph 8-8 contains guidance on awarding the EIB. It states, in pertinent part, that in order to qualify for the EIB, a member must complete the specific EIB test requirements prescribed by the United States Army Infantry Center. The regulation does not specify that receipt of proficiency pay was ever the established standard for award of the EIB.

12. Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) establishes the eligibility of individual members for campaign participation credit, assault landing credit, and unit citation badges awarded during the Vietnam Conflict. It confirms that during his tenure of assignment in the RVN, the applicant's unit (4th Battalion, 503rd Infantry Regiment) earned the following unit awards: PUC, for the period 6 through 23 November 1967; MUC, for the period 5 May 1965 through 4 May 1967; and RVNGC with Palm Unit Citation.

#### DISCUSSION AND CONCLUSIONS:

1. The applicant's contention that all his awards and citations he earned in the RVN were not included in the list of awards of his DD Form 214 was considered and found to have merit. The evidence of record contains orders confirming that the applicant earned the CIB and ARCOM, and that these earned awards were erroneously omitted from his DD Form 214. Thus, it would be appropriate to add them to his separation document at this time.
2. The record further shows that based on his service and campaign participation in the RVN, the applicant is entitled to the following awards that were not listed on his separation document: PUC; MUC; RVNGC with Palm Unit Citation; and 4 bronze service stars with his VSM.
3. Further, absent derogatory information on file that would preclude him from receiving the AGCM or a specific disqualification from any of the active duty unit commanders for whom he served, the applicant is entitled to receive the AGCM, for his qualifying period of honorable active duty service from 4 October 1966 through 3 October 1969.
4. Although the MPRJ contains orders confirming that the applicant was awarded proficiency pay on 1 April 1969, there is no indication in the record that he completed the specific testing requirements necessary to earn the EIB. In addition, there are no awards or decorations identified in the regulation that are identified as RVN Jump Wings or the RVN Wound Medal, as referred to by the applicant. However, his record does show that he earned the PH, for being wounded in action while serving in the RVN and that he received the Parachutist Badge based on his completion of the Airborne Course. The records confirm that these earned awards were properly included in the list of awards contained on his DD Form 214.

#### BOARD VOTE:


RTD  JS  LB  GRANT RELIEF  
 GRANT FORMAL HEARING  
 DENY APPLICATION

#### BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined that the evidence presented was sufficient to warrant a recommendation for partial relief and to excuse failure to timely file. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

**Similar Decisions** [Award him the Army Good Conduct Medal, for his qualifying](#)

[ARMY | BCMR | CY2008 | 20080012307](#)

 Original file (20080012307.txt)

Auto-classification: **Approved**

Application for correction of military records (with supporting documents provided, if any). The evidence of record confirms the applicant earned the CIB while serving in the RVN, as evidenced by the CIB certificate on file in his MPRJ, which is supported by

entries on his DA Form 20. Therefore, it would be appropriate to add the CIB and all awards earned by the applicant during his military service to the list of awards contained on his final separation document at this time.

[ARMY | BCMR | CY2004 | 20040009969C070208](#)

 Original file (20040009969C070208.doc)

Auto-classification: **Approved**

RECORD OF PROCEEDINGS IN THE CASE OF: BOARD DATE: 21 July 2005 DOCKET NUMBER: AR200470009969 I certify that hereinafter is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in the case of the above-named individual. Brenda K. Koch | Member | The Board considered the following evidence: Exhibit A - Application for correction of military records. The applicant requests, in effect, that Item 24 (Decorations, Medals, Badges,...


[ARMY | BCMR | CY2012 | 20120001489](#)

 Original file (20120001489.txt)

Auto-classification: **Approved**

The applicant states he would like to be awarded the PH for being wounded in action in the Republic of Vietnam (RVN) on 7 December 1967 as a result of a stepping on a punji stick for which he was treated in the RVN, and on 7 November 1970 as a result of receiving a gunshot wound to the back which resulted in his medical evacuation to the United States for treatment at Fort Polk, Louisiana. The applicants DA Form 20 (Enlisted Qualification Record) shows, in item 31 (Foreign Service), that...


[ARMY | BCMR | CY2011 | 20110005684](#)

 Original file (20110005684.txt)

Auto-classification: **Approved**

The applicant's official military personnel file (OMPF) contains a DA Form 20 (Enlisted Qualification Record) which shows: \* in item 27 (Military Education) no entry \* in item 28 (Specialized Training) \* Army Training Program (ATP) 21-114 [Basic Combat Training] \* Code of Conduct \* Basic Airborne Course \* Chemical/Biological/Radiological (CBR) training \* in item 38 (Record of Assignments) conduct and efficiency ratings of "excellent" \* in item 40 (Wounds) gunshot wound right arm 8...

[ARMY | BCMR | CY2009 | 20090005845](#)

 Original file (20090005845.txt)

Auto-classification: **Approved**

The applicant requests that the Purple Heart (PH), Air Medal (AM), Army Good Conduct Medal (AGCM), Republic of Vietnam (RVN) Gallantry Cross with Palm Unit Citation, RVN Civil Actions Honor Medal First Class Unit Citation, and all other awards to which he is entitled be added to his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge). There is no evidence that the applicant was awarded the AM; therefore, he is not entitled to correction of his record to show this...

[ARMY | BCMR | CY2008 | 20080017868](#)

 Original file (20080017868.txt)

Auto-classification: **Approved**

As a result, it would be appropriate to award him the AGCM for his qualifying period of honorable active duty service from 9 November 1965 through 28 September 1968. As a result, absent any evidence of record or independent evidence provided by the applicant that shows he was awarded the BSM with oak leaf cluster while serving on active duty, there is an insufficient evidentiary basis to support granting this portion of the requested relief. As a result, the Board recommends that all...

[ARMY | BCMR | CY2014 | 20140006332](#)

 Original file (20140006332.txt)

Auto-classification: **Approved**

The applicant provides: \* the FSM's DD Form 214 for the period ending 31 January 1969 \* orders \* Standard Form 180 (Request Pertaining to Military Records) \* the FSM's Certificate of Death \* Department of Veterans Affairs grave marker request form \* Marriage Record CONSIDERATION OF EVIDENCE: 1. The FSM's record is void of documentation showing he was recommended for or awarded the BSM, and the applicant has not provided documentary evidence indicating the FSM received this award. As a...

[ARMY | BCMR | CY2009 | 20090008138](#)

 Original file (20090008138.txt)

Auto-classification: **Approved**

The applicant requests, in effect, Purple Heart (PH) award orders and to have this award added to his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge). Item 40 (Wounds) of the applicant's DA Form 20 (Enlisted Qualification Record) contains the entry which shows that the applicant sustained fragment wounds to both of his legs and buttocks on 12 June 1967. Paragraph 2-13 of the awards regulation contains guidance on award of the VSM and states, in pertinent...

[ARMY | BCMR | CY2014 | 20140004302](#)

[ARMY | BCMR | CY2014 | 20140004302](#)[Original file \(20140004302.txt\)](#)Auto-classification: **Approved**

His Official Military Personnel File is void of documentation showing he was awarded the PH or AM. The evidence of record shows the applicant was wounded as a result of hostile action on 18 August 1968 and was awarded the PH for this wound. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by: a. awarding him the CIB effective 18 August 1968; b. awarding him the AGCM (1st Award) for the period 6 July 1967 through 3 July...

[ARMY | BCMR | CY2012 | 20120020156](#)[Original file \(20120020156.txt\)](#)Auto-classification: **Approved**

The applicant requests correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show he was awarded or authorized the following: \* Purple Heart (PH) (2nd Award) \* gold star on Parachute Wings for jumps under fire (properly known as the bronze service star to be worn on the Parachutist Badge to denote a combat parachute jump) \* senior Parachute Wings (properly known as Senior Parachutist Badge) \* Air Medal (AM) \* Armed Forces Expeditionary Medal...