

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 July 2023

DOCKET NUMBER: AR20230000068

APPLICANT REQUESTS: correction to his military service record to show he was awarded the Bronze Star Medal (BSM) and the Republic of Vietnam Gallantry Cross with Bronze Star.

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

- DD Form 149 (Application for Correction of Military Record)
- Unit Award for the Republic of Vietnam Gallantry Cross with bronze star authorization
- BSM Certificate

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, in effect, he was awarded the BSM and the Republic of Vietnam Gallantry Cross with bronze star.

3. The applicant provides:

a. Unit award for the Republic of Vietnam Gallantry Cross with bronze star authorization letter.

b. BSM Certificate for meritorious achievement for the period of 3 May 1970 to 10 April 1971.

4. The applicant's service record shows:

a. On 13 August 1969, the applicant was inducted into the Army of the United States.

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

- Item 31 (Foreign Service): he served in Vietnam from 23 August 1970 to 20 May 1971
- Item 41 (Awards and Decorations): does not reflect the BSM, Republic of Vietnam Gallantry Cross with bronze star

c. His DD Form 214 shows he was honorably transferred to the U.S. Army Reserve on 22 May 1971. This document shows he received the following awards:

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal
- Army Commendation Medal
- Combat Infantryman Badge
- One Overseas Service Bar
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)

d. There are no orders in the applicant's record to show he was authorized the BSM.

e. He is entitled to an additional award not listed on his DD Form 214.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's contentions, the military record, and regulatory guidance. The Board noted that although his record is void orders awarding him the Bronze Star Medal, evidence shows a properly completed and signed certificate supporting his request and, notwithstanding the absence of orders, agreed that relief was warranted.

2. The Board further agreed that the applicant's unit received the Unit Award for the RVN Gallantry Cross with bronze star as supported by authorizing document.

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:

Mbr 1      Mbr 2      Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

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 amending his DD214 for the period ending 22 May 1971 to show in item 24 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized):

- Bronze Star Medal for Meritorious Achievement
- Unit Award for the RVN Gallantry Cross with bronze star

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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):

A review of the applicant's records shows he is authorized an additional award not listed on his DD Form 214 for the period ending 22 May 1971. As a result, amend his DD Form 214 by adding the 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 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The Bronze Star Medal is awarded to any person who, while serving in any capacity in or with the Armed Forces of the United States or a friendly foreign nation after 6 December 1941, distinguished himself or herself by heroic or meritorious achievement or service not involving participation in aerial flight in connection with military operations against an armed enemy or while engaged in military operations involving conflict with an opposing armed force in which the United States is not a belligerent party. When the Bronze Star Medal is awarded for heroism, a bronze "V" device (for valor) is worn on the suspension and service ribbon of that medal. A Bronze Star Medal recommendation that is downgraded will be approved as an Army Commendation Medal. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

b. A bronze service star is authorized with award of the Vietnam Service Medal to designate participation in each campaign in Vietnam.

3. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) shows his unit of assignment during his service in Vietnam was cited by Department of the Army General Order (DAGO) Number 8, dated 1974, awarded the RVN 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.

//NOTHING FOLLOWS//