

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 April 2024

DOCKET NUMBER: AR20230000318

APPLICANT REQUESTS: the daughter of a deceased former service member (FSM) requests the following:

- Reinstatement of her father's Bronze Star Medal and Silver Star
- Permission to appear personally before the Board, via video/telephone

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

- Three DD Forms 149 (Application for Correction of Military Record)
- Army Commendation Medal Citation
- Republic of Vietnam Armed Forces, II Corps, 23rd Infantry Division Order Number 10
- U.S. Army Military Assistance Command, Vietnam (MACV) General Orders (GO) Number 1903, dated 6 December 1966
- Memorandum, Subject: Request for IG (Inspector General) Inquiry
- Two MACV letters
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge)
- DA Form 2496 (Disposition Form)
- The Adjutant General's Office (TAGO) letter
- DD Form 215 (Correction to DD Form 214)
- TAGO message
- Certificate of Death
- NA (National Archives) Form 13079 (Verification of Military Service)
- Two Army National Military Cemeteries letters
- Letter to the U.S. Army Human Resources Command (HRC)
- Memorial Certificate
- Photo of FSM's tombstone

FACTS:

1. The applicant states, in effect, her father's DD Form 214 for the period ending 31 January 1969, initially reflected the awards of the Bronze Star Medal and Silver Star;

however, a subsequent DD Form 215 deleted both awards and replaced them with the Republic of Vietnam Gallantry Cross with Silver Star, Army Good Conduct Medal (1st Award), and World War II Victory Medal.

a. The Army never gave a reason for deleting the awards and failed to provide any proof that the FSM was not authorized Bronze Star Medal and Silver Star. Two years after the FSM was laid to rest in Arlington National Cemetery, the Army decided to destroy the FSM's headstone showing the two medals and replace it with one not reflecting those awards. In so doing, the Army never offered the family a chance to review this change prior to its implementation; the change just happened to coincide with the burial of the applicant's mother (FSM's spouse).

b. The applicant points out that the FSM had no court-martial convictions and never committed any offenses that demonstrated "severe professional misconduct, incompetence, or willful dereliction of duties." Further, "he had not committed any act or engaged in any conduct inconsistent with the integrity, professionalism, and conduct of a U.S. Army Soldier." In effect, the FSM's exemplary record demonstrates he should have been fully eligible for both awards.

2. In addition to documents already available in the FSM's service record, the applicant provides the following:

a. FSM's 12 January 1967 memorandum, addressed to the Inspector General (IG), MACV.

(1) The FSM requested the IG to conduct an inquiry into why the Senior Advisor for his Advisory Team had failed to forward awards recommendations for Specialist Six (SP6) [REDACTED] Sergeant (SGT) [REDACTED] and Captain [REDACTED] (Vietnamese Army Subsector Commander). Those recommendations were the result of valorous acts they performed during the Battle of Thien Giao (fought from 16 to 22 October 1966).

(2) The FSM stated that, on 16 October 1966 and after the battle, he had personally discussed his intentions to submit the awards recommendations with Lieutenant Colonel (LTC) [REDACTED] (Senior Advisor), and LTC [REDACTED] acknowledged he would lend his support. In CPT [REDACTED] presence, LTC [REDACTED] added he also agreed with the FSM's recommendation that CPT [REDACTED] receive the Silver Star.

(3) On 25 October 1966, LTC [REDACTED] the Vietnamese Army Sector Commander, personally presented the Republic of Vietnam Gallantry Cross to CPT [REDACTED] SP6 [REDACTED] SGT [REDACTED] and the FSM. On 11 November 1966, the FSM and CPT [REDACTED] were transferred to 23rd (Vietnamese Army) Division headquarters, and the FSM subsequently learned that members of the Vietnamese Army were holding CPT [REDACTED] personally responsible for letters sent to the Vietnamese Joint

General Staff; those letters were highly critical of LTC [REDACTED] and they mentioned incidents that had occurred prior to either the FSM or CPT [REDACTED] arrival in the subsector.

(4) The FSM additionally noted that, prior to his departure from the subsector, LTC [REDACTED] (Senior Advisor) had expressed his intention for recommend CPT [REDACTED] L-19 Pilot, for the Distinguished Flying Cross, citing CPT [REDACTED] actions during the Battle of Thien Giao; the FSM noted that the L-19 Platoon Leader (CPT [REDACTED]) was also worthy of recognition, but CPT [REDACTED] had since been killed in action, and, as far as the FSM knew, no awards for CPT [REDACTED] were ever submitted.

(5) On several visits to the subsector conducted after his transfer, the FSM discovered the sector officials were making every attempt to discredit CPT [REDACTED] and the FSM, based on the aforementioned allegations. Despite several conversations with LTC [REDACTED] during which he reassured the FSM he would honor his commitment to forward the awards recommendations, this ultimately never happened; the FSM found this out after LTC [REDACTED] departure to the continental United States (CONUS).

(6) The FSM continued, "Although all of the personnel recommended but not considered for awards are members of an ethnic minority ((SP6) [REDACTED] (SGT) [REDACTED] (CPT) [REDACTED] and I are Negroes, (CPT) [REDACTED] is Vietnamese) I do not believe that ethnic discrimination has any part in this matter. Based on statements made to me by LTC [REDACTED] I firmly believe he was motivated by what he felt to be his duty to support his (Vietnamese) counterpart, LTC [REDACTED]. Additionally, I feel he was attempting to stay clear of what he considered a Vietnamese problem. I contend that as the subsector and sector advisors, we were already part of the problem, and further, the integrity and professional honor of U.S. officers is clearly at issue in this matter."

(7) The FSM closed by stating, "I do not personally desire recommendation or consideration for any award resulting from the Thien Giao actions. I believe it is my duty to request that consideration be given to those personnel who served under me, in accordance with AR (Army Regulation) 672-5-1 (Awards). Should they not be deemed worthy, then that is the decision of the awarding authority."

b. MACV letter, addressed to the FSM and dated 17 January 1967. The letter, in apparent response to the FSM's request for an IG inquiry, states, "Since the complex nature of the struggle here in South Vietnam requires a concerted team effort, sometimes individual actions deserving of recognition are overlooked. Indeed, the fact that you successfully carried out your duties in this demanding counterinsurgency in itself deserves recognition. In addition to our nation's recognition in the form of the Vietnam Service Medal which you are entitled to wear, I want you to have another symbol of gratitude for your service in Vietnam. The attached card is presented with the

hope you will carry it as a token of my appreciation for a job well done." The letter is signed by General [REDACTED] MACV Commanding General.

c. Arlington National Cemetery letter dated 7 June 2022 and addressed to the FSM's widow. The letter states they received documents from the National Personnel Records Center showing the deletion of the Silver Star and the Bronze Star Medal from the FSM's DD Form 214. As a result, they were required to order a new headstone without those medals reflected.

d. Applicant's letter to the U.S. Army Human Resources Command (HRC), dated 25 October 2022; the applicant expressed her and her family's extreme concern about the replacement of her father's headstone. She noted their father had passed in December 2020 and their mother died in May 2022 (just prior to the notice concerning the headstone replacement).

(1) Specifically, the family was troubled by the following:

- No reason was given as to why the Army revoked the FSM's Bronze Star Medal
- There was "no evidentiary reason to remove the Silver Star from (the FSM's) original DD Form 214"
- "After 2 years of being honorably laid to rest in Arlington National Cemetery, a decision was made to destroy the tombstone reflective of (the FSM's) decorations and subsequent changes to the records without family notification of the need for a review"
- Notification of (FSM's) record changes taken place at the same time as their mother's burial

(2) The applicant continued with a description of an October 2022 meeting with a Cemetery Administration Specialist, held just prior to their mother's burial; during this meeting, the cemetery specialist gave no reason for the changes on their father's headstone but nonetheless required the family to sign off on the changes or have the headstone replaced with a grave marker.

(3) The applicant cited the current military awards regulation (AR 600-8-22), wherein it states, upon revocation, the affected individual is required to be informed that he/she can appeal the revocation action through command channels to the commander, HRC. In addition, AR 670-1 (Wear and Appearance of Army Uniforms and Insignia) states, "Once an award has been presented, it may be revoked by the awarding authority if facts subsequently determined would have prevented original approval of the award had they been known at the time of presentation." The FSM never got an opportunity to appeal the revocation of his Bronze Star Medal.

(4) The FSM wrote a book about his experiences, and the Washington Post recognized him as an "engaged American citizen in the civil rights movement" who tried to make the world a more equitable place. In addition, the Smithsonian Institute recognized and recorded his contributions.

(5) The applicant goes on to detail her father's personal and military history, from living on a farm in Alabama, to initially entering the Army, only to be told he had to go back home because the Army had "reached its quota of blacks." The FSM nonetheless persisted and, finally in 1946, he entered active duty in what was then a segregated Regular Army. With President Truman's 1950 Executive Order, the U.S. Armed Forces became integrated. In February 1953, following the completion of officer candidate school, the FSM executed his oath of office as a U.S. Army Reserve (USAR) commissioned officer.

(6) With regard to the Vietnam War, the applicant explains, "Our father experienced the tones of discrimination and prejudice during this period of his military career. In his words, 'This was a war zone, we were Soldiers trained for such duty, someone had to go, and it was a chance to put some distance between us and a racist.' In 1966, "after a live fire heroic encounter with the Viet Cong, the Sector Advisor, the assigned (Vietnamese Army) LTC, and the Province Chief, pinned on our father a Vietnamese Army Silver Star for his actions during the operation of which the United States Army recognized."

(7) In January 1968, after completing one tour in Vietnam, the FSM returned to Vietnam as an advisor; the applicant notes, "our father was the only black and 'was the only one present who was not shaking in his boots.'" The FSM hoped his calmness would reassure the Advisory Team, but instead, he "experienced frank racism. As (the FSM) reviewed his situation, he put forth data and spoke out vehemently to the international and domestic press about institutional racism in the United States Army."

(a) (The applicant is apparently referring to the following: on 14 October 1968, the FSM arrived at an official press briefing in Saigon, Vietnam, and handed out an eight-page statement to newsmen; in his document, the FSM asserted "the American military services are the strongest citadels of racism on the face of the earth".)

(b) (Newspapers across the country, to include the New York Times and the St. Louis Post-Dispatch, published articles about the FSM's statement under such headlines as, "Army Denounced by Negro Major" and "Negro Major Calls Military Racist Citadel.")

(8) "In 1966, our father was awarded the Bronze Star issued by MG (Major General) [REDACTED]. He held this distinction for two years without contest. Astonishingly, during his 2nd tour in Vietnam, no awards were earned according to a letter from HQ

Command Vietnam in 1968." The applicant adds, "We must understand why the United States Army in 1967 can issue a draft retaliatory order and it be honored by the United States Army in 2022. Action must be taken. To our understanding a DD (Form) 215 is requested by next of kin or the service member to amend erroneous entries that enhance post-military benefits. Why was the U.S. Army so intently focused on my father's record in 1969? He should have been able to retire in peace (and) rest in peace eternally without this harassment."

3. A review of the FSM's service record reveals the following:

a. On 28 October 1946, the FSM enlisted into the Regular Army for 3 years; he was 18 years old. After initially completing training as an ordnance parts specialist, the FSM reclassified as a construction equipment operator and served in that military occupational specialty for the remainder of his enlistment. On 12 September 1946, the Army honorably discharged him; his War Department Adjutant General's Office (WD AGO) Form 53-55 (Enlisted Record and Report of Separation – Honorable Discharge) shows he completed 2 years, 10 months, and 14 days of net active duty service.

b. On 3 December 1951, the FSM reenlisted in the Regular Army, and, as part of his reenlistment, the Army agreed to send him to officer candidate school (OCS); after undergoing and successfully completing leadership training, the applicant entered OCS, in August 1952, graduated in February 1953, and, on 12 February 1953, the Army honorably discharged the FSM so he could accept a commission. His DD Form 214 (Report of Separation from the Armed Forces of the United States) shows he completed 1 year, 2 months, and 10 days of net active duty service. On 13 February 1953, the FSM executed his oath of office as a USAR commissioned officer, branched infantry.

c. The FSM continued his service on active duty in a variety of duty positions both in CONUS and outside the continental United States (OCONUS). Effective 1 May 1964, Headquarters, Department of the Army (HQDA) promoted him in the Army of the United States (AUS) as a major (MAJ)/O-4. In January 1964, orders assigned the FSM to Fort Leonard Wood, MO.

d. In June 1964, the FSM assumed duties as a training battalion executive officer. In or around November 1964, the FSM's battalion commander (rater) and regimental commander (indorser) rendered the FSM's DA Form 67-5 (U.S. Army Officer Efficiency Report (OER)) for the rating period 19 June to 11 November 1964. The FSM's leadership rated his overall demonstrated performance and estimated potential as "Exceptional." (During this era of service, OER's included comments and a scoring of 20 personal qualities; additionally, ratings were given for the officer's overall performance and potential, which were reflected as follows):

(1) (Overall demonstrated performance was reported on the following scales:

- "Outstanding" – 96 to 100
- "Exceptional" – 90 to 95
- "Superior" – two sub-ratings of 70 to 79 and 80 to 89
- "Excellent" – two sub-ratings of 50-59 and 60-69
- "Effective" – two sub-ratings of 30-39 and 40-49
- The last two remaining categories were "marginal" and "inadequate"

(2) Estimated potential was on a scale from 1 to 10, with the following breakout of scores:

- "Outstanding" – 10
- "Exceptional" – 9
- "Superior" – two sub-ratings of 7 and 8
- "Excellent" – two sub-ratings 5 and 6
- "Effective" – two sub-ratings 3 and 4
- The last two remaining categories were "marginal" and "inadequate")

e. In November 1964, the FSM changed duty positions and moved to the Office of the Inspector General, U.S. Army Training Command (USATC), Fort Leonard Wood. In or around November 1965 and on a OER covering the rating period of 12 November 1964 to 11 November 1965, the FSM's rater (the USATC Inspector General) and indorser (USATC and Fort Leonard Wood Chief of Staff) rated his performance and his estimated potential as "outstanding." The rater's comments indicated the FSM had "handled several allegations of racial discrimination impartially and thoroughly."

f. In or around November 1965, the FSM received reassignment instructions for Vietnam; after completing military assistance training, he arrived in country, on 25 January 1966, and, effective 27 January 1966, orders assigned him to MACV as a subsector advisor to the 23rd Vietnamese Army Infantry Division.

g. On 11 February 1966, USATC and Fort Leonard Wood GO awarded the FSM the Army Commendation Medal, for the period November 1964 to November 1965; the award citation included the following statement, "Particularly noteworthy were (FSM's) investigations of several allegations of racial discrimination. His unbiased inquiries into these cases resulted in thorough and impartial reports which contributed immeasurably to a better understanding of these problems, both in the military and civilian populace."

h. On 2 June 1966, MACV Special Orders (SO) awarded the FSM the Combat Infantryman Badge (1st Award).

i. In or around July 1966, the FSM received a change of rater OER for the rating period 12 November 1964 to 29 July 1966 for the duty position of subsector advisor.

(1) The rater (LTC [REDACTED] Sector Advisor) rated the FSM as "exceptional" and gave him a performance score of 90 and 9 as a potential rating. The rater lauded the FSM's success in improving the morale of the sector's civilian population; in addition to arranging for English to be taught, and the FSM was able to secure badly needed supplies. The rater added, "I feel that an area of improvement would be in his cooperativeness, as [FSM] has the tendency to be inordinately critical of higher headquarters."

(2) Under the indorser section of the report, LTC [REDACTED] Deputy Senior Advisor for the 23rd Vietnamese Infantry Division, indicated he had not met the time requirements for a rating.

j. In or around November 1966, the FSM received an OER because he was changing duty positions from subsector advisor to a staff position.

(1) The FSM's rater (LTC [REDACTED] Sector Advisor) rated the FSM's overall performance as "excellent," with a score of 68 and his potential as 8 (superior). In his comments, LTC [REDACTED] wrote:

(a) "[FSM] established excellent rapport with his counterpart which assisted him in his advisory effort. The rated officer has the ability to express himself in writing and orally to a better than average degree. During this reporting period, [FSM] did not present an enthusiastic or 'can do' approach to his many problems. This proved to be contagious and resulted in a decreased advisory effort."

(b) "[FSM] did not display the ability to identify major problem areas and therefore did not make the most efficient utilization of his available time. During periods of actual combat, he remained calm and effectively coordinated fires of supporting weapons. He accompanied his counterpart on numerous search and destroy operations and, as a result of an action associated with one of these operations, he was cited for bravery by the Vietnamese government."

(2) The indorser (LTC [REDACTED] Deputy Senior Advisor for the 23rd Vietnamese Infantry Division) also rated the FSM as "excellent" and gave overall performance a rating of 67 and a potential rating of 6. In his comments, LTC [REDACTED] reported: "[FSM] was able to establish good rapport with his Vietnamese counterpart and, in fact, with all the Vietnamese with whom he had contact. He was also able to maintain the morale of his subsector team at a reasonably high level. He was not, however, aggressive or enthusiastic in his advisory efforts and therefore the

accomplishments and progress made by the Vietnamese in his subsector were negligible."

k. On 6 December 1966, MACV GO awarded the FSM the Bronze Star Medal, for meritorious service during the period March to December 1966.

l. In or around January 1967, the FSM received an OER, based both on his pending departure from Vietnam and the rater's citing of paragraph 10f (Deficient Duty Performance Requiring a Special Report), AR 623-105 (Officer Efficiency Reports).

(1) The rater (now Colonel (COL) [REDACTED] Deputy Senior Advisor to the 23rd Vietnamese Infantry Division) rated the FSM's personal qualities of cooperation and loyalty as 0, and he scored his overall duty performance as "effective," with a score of 43. For the FSM's potential, COL [REDACTED] rated the FSM as 4 (effective). COL [REDACTED] comments included the following:

(a) "[FSM] has performed his duties as Staff RF (Regional Force)/PF (Popular Force) Advisor in an effective manner." "[FSM's] work involved considerable coordination with other staff members, which he was unable to accomplish without causing friction, particularly with those staff members to whom he was senior. He was also demanding of junior officers with whom he had contact. [FSM] was reluctant to assume responsibility for actions, briefings, and/or reports that properly belonged to him."

(b) "(FSM) was a voluble talker on a variety of subjects, but he seemed unable to apply himself and achieve concrete results in his own specific areas of interest. He made no significant contributions or recommendations pertaining to RF/PF matters or to the organization of an effective RF/PF advisory effort at Division level. [FSM] required constant close supervision. I feel that he should not be favorably considered for promotion to the next higher grade."

(2) The FSM's indorser (COL [REDACTED] Senior Advisor to the 23rd Vietnamese Infantry Division) also rated the FSM's overall duty performance as "effective," giving a score of 40. under estimated potential, COL [REDACTED] gave the applicant a 3 (effective). COL [REDACTED] wrote the following comments:

(a) "I agree with the comments of the rating officer. [FSM's] performance of duty has been below the standard expected of an officer of his grade and experience. [FSM] has not shown the proper attitude toward his fellow staff members nor to his superiors."

(b) "Complaints frequently were brought to my attention by other staff members concerning [FSM's] work and poor attitude. He could not be depended upon to

accomplish assigned missions and failed to show initiative in his area of staff responsibility. I recommend that he not be promoted to LTC."

m. On 18 January 1967, the FSM completed his tour in Vietnam, and orders reassigned him as a unit advisor for the XV U.S. Army Corps, Sixth U.S. Army, Oakland, CA.

n. On 26 January 1967, MACV GO revoked the FSM's Bronze Star Medal; the FSM's available service record does not include documentation explaining the reason for this revocation.

o. Effective 10 February 1967, the Army promoted the FSM to MAJ in the USAR. On 13 February 1967, MACV sent a memorandum to Sixth U.S. Army headquarters with attached GO revoking the FSM's Bronze Star Medal; the memorandum stated, "Award elements were not presented to officer prior to departure from this command."

p. MACV memorandum, subject: Authorization for Individual Foreign Awards and dated 27 February 1967, showed the FSM had been awarded the Republic of Vietnam Gallantry Cross with Silver Star as a personal decoration. The memorandum also included the translated citation, which read as follows:

(1) Order Number 10, Republic of Vietnam, Vietnamese Army, II Corps, 23rd Infantry Division.

(2) "This declaration will be announced in front of the Division."

(a) As an advisor, the FSM participated in many search and destroy operations in the Thien Giao District.

(b) In an operation, launched on 28 May 1966, RF/PF platoons made heavy contact with a VC (Viet Cong Guerilla) company. The FSM showed courage in combat by fighting at the side of Vietnamese service men; under enemy fire, he advanced on and destroyed enemy positions with his M-79 (Grenade Launcher). His actions enabled the Vietnamese forces to advance and liquidate the enemy targets.

q. In March 1967, the FSM arrived at his new duty station in Oakland.

r. MACV memorandum, subject: Authorization for Individual Foreign Awards and dated 12 June 1967, indicated the FSM was awarded the Republic of Vietnam Gallantry Cross with Palm as a personal decoration. The memorandum included the translated citation:

(1) Order Number 179, Republic of Vietnam, Ministry of Defense, Joint General Staff, Republic of Vietnam Armed Forces, Adjutant General Division, meritoriously cited the FSM before the Armed Forces.

(2) The FSM was an officer and senior advisor of vast combat experience who participated in numerous battles with the Viet Cong. On 16 October 1966, five Viet Cong companies attacked the garrison in the prefecture of the Thien Giao District. Using human-wave tactics, the enemy struck from two sides in a fierce assault with the aim to swiftly defeat the garrison's forces. However, the enemy encountered an intense resistance from the friendly forces.

(3) The FSM calmly and gallantly assisted the subsector commander in directing troops to maintain the garrison's defensive positions; the FSM personally killed two Viet Cong guerillas and seized two individual weapons. As a result the conflict, numerous Viet Cong were killed, four were captured, and a number of weapons were seized.

s. In or around September 1967, the FSM received an OER due to his reassignment. The rater (LTC [REDACTED] Oakland Subsector Commander) and the indorser, (LTC [REDACTED] Sector Deputy Commander) rated the FSM's duty performance as outstanding (with respective scores of 98 and 96), and both rated the FSM's estimated potential as outstanding (10).

t. In or around December 1967, the FSM received an OER because of his pending reassignment to Vietnam. The rater (LTC [REDACTED] Branch Chief, Unit Training Division) and the indorser, (LTC [REDACTED] Chief, Unit Training Division) rated the FSM's duty performance as exceptional (with respective scores of 92 and 93), and both reflected the FSM's estimated potential as outstanding (10).

u. On 26 January 1968, HQDA advised the FSM via memorandum that he had not been selected for further retention on active duty; the memorandum noted the FSM would complete 20 years of active Federal service, in January 1969, and he could retire on either 1 February or 1 March 1969.

v. On 3 February 1968, the FSM arrived in Vietnam, and orders further assigned him as the Deputy Senior Advisor to a MACV advisory team. In or around April 1968, the FSM received a change of rater OER. The rater ranked the FSM on the 95th percentile, compared to all Army officers of the same grade and branch known well enough by the rater to provide an evaluation. The rater commented that the FSM arrived immediately after the Tet Offensive, during which the advisory team's facilities incurred extensive damage; the FSM played a major role in repairing and fortifying the facilities. The indorser provided no evaluation, indicating he had not met the regulatory time requirements for a rating.

(1) (The Tet Offensive started on 31 January 1968 and continued until April 1968. The offensive consisted of simultaneous attacks in about 100 cities and military outposts throughout South Vietnam and was executed by about 85,000 troops under the direction of the North Vietnamese government. Though the offensive ended as a tactical defeat for the North Vietnamese, it earned Communist forces a strategic victory, in that the offensive stunned the American public and sowed doubts about America's ability to win the war).

(2) (A January 1968 revision of AR 623-105 resulted in a new OER format; the OER now included 25 personal qualities, vice the previous 20 (rated 1 for "top" to 5 for "bottom"); rater and indorser comments; and assessments of the officer's overall value to the Army, which involved ranking the rated officer against other officers, same grade, rated by the rater and/or indorser, and a percentile ranking of the officer in comparison to all officers, same grade and branch, known well enough by the rater/indorser to provide a rating).

w. In or around August 1968, the FSM received an OER because he was changing his duty position and his rater; the rated duty position was Senior Advisor, Vietnamese National Training Center.

(1) The rater (LTC [REDACTED] Chief, TC Branch, Training Division) placed the FSM at the bottom of the four officers he rated, and he gave the FSM a percentile score of 70. He provided the following comments:

(a) "[FSM] was very demanding of officers and enlisted men in his capacity as Senior Advisor. He accomplished many additions to the defense of the MACV compound, which was located in a very active VC area."

(b) "(The FSM) added conveniences for the members of the MACV Team and enjoyed an excellent relationship with the many U.S. Forces located in the immediate vicinity. One of his main contributions was the coordination with the U.S. Forces for the Vietnamese commander. He was instrumental in assisting the Vietnamese in setting up an excellent Vietnamese officer's club."

(2) The indorser (COL [REDACTED] Chief, Training Division) also rated the FSM at the bottom among the nine officers he evaluated, and he ranked the FSM in the 65th percentile. His comments on the FSM were as follows: "[FSM] excelled in the development of plans and programs for his advisory effort but the actual implementation of these plans fell far short of expectations. His arbitrary, dictatorial attitude toward his subordinates completely alienated them and prohibited the cohesive effort required to insure maximum results."

x. On 14 October 1968, the FSM presented his eight-page statement to the press. On 13 November 1968, he completed his Vietnam tour and reassignment orders transferred him to HQDA, the Office of the Deputy Chief of Personnel; he arrived at his new duty station, on 16 December 1968.

y. On 23 December 1968, the FSM requested voluntary retirement; on 9 January 1969, HQDA approved his request, and on 31 January 1969, the Army honorably retired him. His DD Form 214 shows he completed 15 years, 11 months, and 18 days of net active duty service, with 4 years and 25 days of prior active service. Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) listed the following:

- National Defense Service Medal with one bronze service star
- Army of Occupation Medal
- Armed Forces Reserve Medal
- Vietnam Service Medal
- Army Commendation Medal
- Combat Infantryman Badge
- Republic of Vietnam Campaign Medal with Device (1960)
- Bronze Star Medal
- Republic of Vietnam Gallantry Cross with Palm
- Silver Star
- Three overseas service bars

z. On 10 February 1969, the Chief, Personnel Records Division (PRD) within The Adjutant General's Office (TAGO) prepared a DA Form 2496 (Disposition Form), addressed to the Director, PSS. The Chief, PRD described a 6 February 1969 visit by the FSM to the Officer Personnel Records Branch; the FSM requested, at no cost, copies of his OERS, as well as access to his Official Military Personnel File (OMPF).

(1) The Officer Personnel Records Branch denied the FSM's request for no-cost copies of his OERs, citing HQDA policy that retired officers had to pay an established fee for copies of their reports. After the FSM selected the specific OERs he wanted, he paid the required fee and arrangements were made to send the OER copies to the FSM's home address.

(2) When the FSM's reviewed his OMPF, he discovered that a MACV GO, dated in January 1967, had revoked his Bronze Star Medal. The FSM affirmed he never received a copy of the revocation GO, and, as a result, TAGO included the GO with the OERs being sent.

(3) A further review of the FSM's OMPF showed his records were void of any GO awarding him the Silver Star, but there was a record confirming the Vietnamese

government had awarded him the Republic of Vietnam Gallantry Cross with Silver Star. The review additionally verified the award of the Army Good Conduct Medal (1st Award) and the World War II Victory Medal. The Chief, PRD recommended TAGO issue the FSM a DD Form 215 that deleted the Bronze Star Medal and Silver Star and added the Army Good Conduct Medal (1st Award), World War II Victory Medal, and Republic of Vietnam Gallantry Cross with Silver Star.

aa. On 12 February 1969, TAGO sent a message to MACV requesting information on all awards the FSM received while assigned to MACV; specifically, TAGO asked if the FSM had ever been recommended for or awarded the Silver Star. Additionally, TAGO asked for a copy of the MACV GO that revoked the FSM's Bronze Star Medal.

bb. On 18 February 1969, MACV replied in a memorandum stating, "Thorough search of records maintained at this headquarters failed to reveal receipt or processing of any awards for [FSM] for the period 3 February 1968 to 15 November 1968." The MACV memorandum attached a copy of the GO revoking the FSM's Bronze Star Medal.

cc. On 4 March 1969, TAG sent the FSM a letter; TAG advised the FSM that a review of the FSM's DD Form 214 indicated the need for a correction.

(1) "In this connection, item 24 of the DD Form 214 lists the award of the Bronze Star Medal and Silver Star Medal. Authorization for the award of these military decorations is not contained in your official records, and therefore must be deleted from this document (i.e., the DD Form 214)."

(2) "In addition, the award of the Gallantry Cross with Silver Star, (Army) Good Conduct Medal, and World War II Victory Medal are not shown in item 24, DD form 214, and should be added to the document. In view of the above, a DD Form 215 is enclosed to be appended to the DD Form 214 in your possession."

4. AR 672-5-1 (Awards), in effect during the FSM's era of service, prescribed policies and procedures for military awards and decorations.

a. The Silver Star was awarded to persons who, while serving in any capacity with the Army, was cited for gallantry in action that did not warrant a Medal of Honor or Distinguished Service Cross while engaged in an action against an enemy of the United States, while engaged in military operations involving conflict with an opposing foreign force. The required gallantry, while of lesser degree than that required for the award of the Medal of Honor or Distinguished Service Cross, nevertheless had to have been performed with marked distinction. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders were required.

b. The Bronze Star Medal was awarded in time of war for heroism and for meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy. Prior to the issuance of a 10 April 1981 interim change to AR 672-5-1, the Army had no policy requiring Soldiers whose awards had been revoked to be told they could appeal the revocation.

c. The Republic of Vietnam Gallantry Cross was awarded to both units and individual Soldiers for deeds of valor or displayed heroic conduct while fighting the enemy. Soldiers receiving the award were individually recognized for their deeds at the regiment, brigade, division, corps, or armed forces level, and the medal had four associated degrees:

- With Palm – Units or individuals cited before the Armed Forces
- With Gold Star – Units or individuals cited before a Corps
- With Silver Star – Units or individuals cited before a Division
- With Bronze Star – Units or individuals cited before a Regiment/Brigade

5. U.S. Army Vietnam Regulation Number 672-2 (Foreign Awards and Decorations), in effect at the time, stated the Republic of Vietnam Gallantry Cross was awarded as a personal decoration to Soldiers who conducted themselves with heroic action and displayed deeds of valor while fighting the enemy. The more gallant and noteworthy the act, the higher the level of the award.

6. AR 15-185 (ABCMR), currently in effect, states:

a. The ABCMR decides cases on the evidence of record; it is not an investigative body. Additionally, the ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary). The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

b. An applicant is not entitled to a hearing before the Board; however, the request for a hearing may be authorized by a panel of the Board or by the Director of ABCMR.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, a majority of the Board found partial relief is warranted. The

Board found the available evidence sufficient to consider this case fully and fairly without a personal appearance by the applicant.

2. The Board noted that the entry "SS," a common abbreviation for "Silver Star," on the FSM's DD Form 214 was clearly an error. The Silver Star is our Nation's third highest award for valor, and there is no record of the Silver Star being awarded to the FSM. He did receive a very different award, however, which was the Republic of Vietnam Gallantry Cross with Silver Star. This is a foreign decoration that has no relation to the Silver Star awarded by components of the Department of Defense. The Board determined the decision to correct this error on the FSM's DD Form 214 by issuing a DD Form 215 was fully supported by the evidence and the correction does not constitute an error or injustice.

3. Regarding the Bronze Star Medal, a majority of the Board found insufficient evidence that would have supported revoking the medal after it had been properly announced in orders. A majority of the Board found the revocation to be unjust in consideration of the FSM's overall record and determined the FSM should be awarded the Bronze Star Medal for the period shown in the original orders.

4. The Board concurred with the correction described in Administrative Note(s) below.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by

- Awarding him the Bronze Star Medal for meritorious service during the period March 1966 to December 1966
- Adding the Bronze Star Medal to his DD Form 214 for the period ending 4 August 1967
- Making the correction described in Administrative Note(s) below

2. The Board further determined 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 the Silver Star.

9/3/2024

X

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): The FSM is authorized a decoration that was not recorded on his DD Form 214 for the period ending 4 August 1967. Please correct the DD Form 214 by adding one silver service star and one bronze service star with the Vietnam Service Medal.

REFERENCES:

1. AR 672-5-1, in effect during the FSM's era of service, prescribed policies and procedures for military awards and decorations.

a. The Silver Star was awarded to persons who, while serving in any capacity with the Army, was cited for gallantry in action that did not warrant a Medal of Honor or Distinguished Service Cross while engaged in an action against an enemy of the United States, while engaged in military operations involving conflict with an opposing foreign force. The required gallantry, while of lesser degree than that required for the award of the Medal of Honor or Distinguished Service Cross, nevertheless had to have been

performed with marked distinction. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders were required.

b. The Bronze Star Medal was awarded in time of war for heroism and for meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy. Prior to the issuance of a 10 April 1981 interim change to the regulation, the Army had no policy requiring Soldiers whose awards had been revoke to be told they could appeal the revocation.

c. The Republic of Vietnam Gallantry Cross was awarded to both units and individual Soldiers for deeds of valor or displayed heroic conduct while fighting the enemy. Soldiers receiving the award were individually recognized for their deeds at the regiment, brigade, division, corps, or armed forces level, and the medal had four associated degrees:

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- With Silver Star – Units or individuals cited before a Division
- With Bronze Star – Units or individuals cited before a Regiment/Brigade

2. U.S. Army Vietnam Regulation Number 672-2 (Foreign Awards and Decorations), in effect at the time, stated the Republic of Vietnam Gallantry Cross was awarded as a personal decoration to Soldiers who conducted themselves with heroic action and displayed deeds of valor while fighting the enemy. The more gallant and noteworthy the act, the higher the level of the award.

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a. The ABCMR decides cases on the evidence of record; it is not an investigative body. Additionally, the ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary). The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

b. An applicant is not entitled to a hearing before the Board; however, the request for a hearing may be authorized by a panel of the Board or by the Director of ABCMR.

//NOTHING FOLLOWS//