

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 November 2023

DOCKET NUMBER: AR20230004306

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) by adding his already-awarded Bronze Star Medal and Purple Heart.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Second page of Headquarters, 25th Infantry Division General Orders (GO) Number 145, dated 7 January 1969
- Bronze Star Medal Citation
- DA Form 4980-5 (Bronze Star Medal Certificate)
- Tropic Lightning News
- Photo

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). 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, his command issued him the above-stated awards, and he would like them added to his DD Form 214; like many Soldiers, his medals were not included when he separated from the Army. In support of his request, he provides photos of his awards; Bronze Star Medal GO, with citation and certificate; and a news article, dated 9 September 1968, which describes an enemy attack, on 18 August 1968.

3. The National Personnel Records Center (NPRC) reports the applicant's service record has been checked out and is unavailable for review; however, the applicant submits sufficient documentary evidence to address his request. Additionally, the applicant has provided a copy of the GO awarding him the Bronze Star Medal; as a

result, that portion of his request will be addressed in the "ADMINISTRATIVE NOTE(S)" section and will not be further considered by the Board.

4. The applicant's DD Form 214 and DA Form 20 (Enlisted Qualification Record) show the following:

a. On 24 August 1967, the Army of the United States (AUS) inducted the applicant for a 2-year term of active duty service; upon completion of initial entry training and the award of military occupational specialty 11B (Light Weapons Infantryman), orders transferred the applicant to Vietnam, and he arrived, on 12 February 1968.

b. Effective 22 February 1968, orders further assigned the applicant to the 4th Battalion, 23rd Infantry Regiment, 25th Infantry Division. His DA Form 20 indicates that, on 1 April 1968, the applicant's command awarded him the Combat Infantryman Badge; it also shows that, on 2 April 1968, he sustained a head wound.

c. On 8 February 1969, the applicant completed his Vietnam tour, and orders reassigned him to Fort Bragg, NC (now Fort Liberty); he arrived at his new unit, on 24 March 1969. On 22 August 1969, the Army honorably released the applicant from active duty and transferred him to the U.S. Army Reserve to complete his remaining military service obligation. His DD Form 214 shows he completed 1 year, 11 months, and 29 days of his 2-year AUS term; item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) lists the following:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Combat Infantryman Badge

5. The applicant's DA Form 20 reflects the following additional information:

(1) Item 38 (Record of Assignments – Conduct – Efficiency) – The applicant earned either "Excellent" ratings until his assignment to Fort Liberty:

- October 1967 through in or around February 1968 – Conduct "Excellent"; Efficiency "Excellent"
- 24 March to 7 July 1969 – Conduct "Fair"; Efficiency "Fair"
- 8 July to 22 August 1969 – Conduct "Excellent"; Efficiency "Excellent"

(2) Item 41 (Awards and Decorations) – National Defense Service Medal, Vietnam Service Medal, Combat Infantryman Badge, Republic of Vietnam Campaign Medal with Device (1960), two overseas service bars.

6. The Vietnam Casualty Roster is a listing of Vietnam-era casualties commonly used to verify the entitlement to the award of the Purple Heart. The applicant is listed on this roster, and the entry states, on 2 April 1968, enemy artillery/mortar fire wounded the applicant, and he required hospitalization.

7. A review of the Awards and Decorations Computer-Assisted Retrieval System, an index of general orders issued during the Vietnam era between 1965 and 1973 maintained by the U.S. Army Human Resources Command, failed to reveal any General Orders, including for the Purple Heart, which pertained to the applicant.

8. During the applicant's era of service, AR 672-5-1 (Awards), prescribed policies and procedures for military awards; it stated the following:

a. The Purple Heart was awarded in the name of the President of the United States to any member of the Armed Forces or any civilian national of the United States who, while serving under competent authority in any capacity with one of the U.S. Armed Services after 5 April 1917, died or sustained wounds as a result of hostile action. Substantiating evidence had to be provided verifying that the wound resulted from hostile action, the wound required treatment by medical personnel, and the medical treatment received had been made a matter of official record.

b. The Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940. For the first award only, commanders could award the Army Good Conduct Medal, upon termination of the Soldier's service on or after 27 June 1950, if he or she had served less than 3 years but more than 1 year. Additionally, the Soldier had to have had all "Excellent" conduct and efficiency ratings and no court-martial convictions.

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 reviewed the Vietnam Casualty Roster 2 April 1968 which shows the applicant was wounded by enemy artillery/mortar fire and required hospitalization. After due consideration of the request, the Board agreed that the evidence presented met the burden of proof and the applicant should be awarded the Purple Heart.

2. The Board further agreed that the review of his record revealed a correction not otherwise requested. As the applicant's record reflects all "excellent" in accordance with applicable regulatory guidance, the applicant is eligible for the Army Good Conduct Medal and a correction to his record is warranted.

3. 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

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:	:	:	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 Army records of the individual concerned be corrected by amending his DD214 to show the following:

- Purple Heart
- Army Good Conduct Medal

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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):

1. AR 635-5 (Separation Documents), in effect at the time, stated the DD Form 214 was to list all decorations, service medals, campaign credits, and badges awarded or authorized. Additionally, change 11, effective January 1970, required the DD Form 214 to show a separating Soldier's Vietnam service in remarks.
2. AR 600-8-22, currently in effect, states the Vietnam Service Medal is awarded to all members of the Armed Forces of the United States based on their qualifying service in Vietnam after 3 July 1965 through 28 March 1973. A bronze service star will be awarded for wear on the Vietnam Service Medal for the Soldier's participation in each recognized campaign; Vietnam campaigns include the following:
 - Tet Counteroffensive (30 January 1968 to 1 April 1968)
 - Counteroffensive, Phase IV (2 April 1968 to 30 June 1968)
 - Counteroffensive, Phase V (1 July 1968 to 1 November 1968)
 - Counteroffensive, Phase VI (2 November 1968 to 22 February 1969)
3. Department of the Army Pamphlet (DA PAM) 672-3 (Unit Citation and Campaign Participation Credit Register) shows:
 - a. Department of the Army General Order (DAGO) Number 43, dated 1970, awarded the Valorous Unit Award to the 4th Battalion, 23rd Infantry Regiment, for the period 26 to 28 May 1968.
 - b. DAGO Number 42, dated 1969, awarded the Valorous Unit Award to the 4th Battalion, 23rd Infantry Regiment, for the period 27 August to 31 October 1968
 - c. DAGO Number 51, dated 1971, awarded the Republic of Vietnam Civil Actions Honor Medal, First Class, to the 4th Battalion, 23rd Infantry Regiment, for the period 30 April 1966 to 21 January 1970.
 - d. DAGO Number 8, dated 1974, awarded all units that served in Vietnam the Republic of Vietnam Gallantry Cross with Palm Unit Citation.
4. Headquarters, 25th Infantry Division GO Number 145, dated 7 January 1969, awarded the applicant the Bronze Star Medal for the period February 1968 to February 1969. Additionally, the applicant's DA Form 20 shows he served in Vietnam from 12 February 1968 to 8 February 1969.
5. Based on the foregoing, amend the applicant's DD Form 214, ending 22 August 1969, as follows:

a. Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized). Delete the Vietnam Service Medal and add the following:

- Bronze Star Medal
- Vietnam Service Medal with four bronze service stars
- Valorous Unit Award (2nd Award)
- Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

b. Item 30 (Remarks). Add the following comment: "Service in Vietnam from 12 February 1968 to 8 February 1969."

REFERENCES:

1. Title 10, USC, 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. AR 672-5-1 (Awards) prescribed policies and procedures for military awards. It stated the following:

a. The Purple Heart was awarded in the name of the President of the United States to any member of the Armed Forces or any civilian national of the United States who, while serving under competent authority in any capacity with one of the U.S. Armed Services after 5 April 1917, died or sustained wounds as a result of hostile action. Substantiating evidence had to be provided verifying that the wound resulted from hostile action, the wound required treatment by medical personnel, and the medical treatment received had been made a matter of official record.

b. The Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940. For the first award only, commanders could award the Army Good Conduct Medal, upon termination of the Soldier's service on or after 27 June 1950, if he or she had served less than 3 years but more than 1 year. Additionally, the Soldier had to have had all "Excellent" conduct and efficiency ratings and no court-martial convictions.

//NOTHING FOLLOWS//