

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 December 2023

DOCKET NUMBER: AR20230004632

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show his Bronze Star Medal.

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

- DD Form 149 (Application for Correction of Military Record), 3 January 2023
- Self-authored letter, undated

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:

a. While in Vietnam his platoon was setting up a perimeter for nightfall. He looked up and saw four military forces from the North Vietnamese Army (NVA) crossing an open field. He could not open fire until he got an okay. By the time they got an okay the NVA was near. They opened fire and quickly withdrew into the jungle. He and the other Soldiers went after the NVA; they exchanged fire. There was one dead NVA, lots of blood and many blood trails. It was getting dark, and they had to get back to their unit. One of the Soldiers was named J____ L____. When they got back to their platoon J____ L____ heard the lieutenant on the radio calling in on the radio recommending that the four Soldiers be awarded the Bronze Service Medal.

b. After 52 years he met with J____ L____ and they talked about that day. They were surprised to find out J____ L____ got his medal, but the applicant did not. When J____ L____ got home he looked through the paperwork from his medal and sent the following information: The orders for the medal were signed on 20 June 1970, by Colonel H____ D. Y____. The citation was issued on 24 June 1970. It covers their time in Vietnam from June 1969 to June 1970. No date for the actual event. It must have been around March 1970. (See full statement).

3. The applicant's records contain sufficient evidence to support additional awards not shown on his DD Form 214. His DD Form 214 for the period ending, 23 October 1970 will be administratively corrected without Board action to show these awards.
4. The Board will consider the applicants request for his Bronze Star Medal and as a separate and related item the Army Good Conduct Medal.
5. On 23 January 1969, the applicant was inducted into the Army of the United States. He completed training and he was awarded military occupational specialty 11B (Weapons Infantryman).
6. His DA Form 20 (Enlisted Qualification Record) shows in:
 - a. item 31 (Foreign Service) – service in Vietnam from 20 June 1969 to 19 June 1970; he was assigned to Company B, 1st Battalion, 14th Infantry, 4th Infantry Division, from 2 July 1969 to 15 June 1970.
 - b. item 38 (Record of Assignments) – he received "excellent" conduct and efficiency ratings, and
 - c. items 29 (Qualification in Arms) and 41 (Awards and Decorations) –
 - National Defense Service Medal
 - Vietnam Service Medal
 - Combat Infantryman Badge
 - Republic of Vietnam Campaign Medal with Device (1960)
 - two overseas bars
 - Republic of Vietnam Gallantry Cross with Palm Unit Citation
 - Air Medal
 - Army Commendation Medal
 - Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
7. On 23 October 1970, he was honorably released from active duty. His DD Form 214 shows he completed 1 year, 9 months and 1 day of net service and in item 24 –
 - National Defense Service Medal
 - Vietnam Service Medal with one bronze service star
 - Republic of Vietnam Campaign Medal with Device (1960)
 - Combat Infantryman Badge
 - Republic of Vietnam Gallantry Cross with Palm Unit Citation
 - Air Medal

- Army Commendation Medal

8. His record does not contain orders awarding the Bronze Star Medal.

9. His records are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal for the period from 23 January 1969 through 23 October 1970.

10. Personal decorations, to include the Bronze Star Medal require a formal recommendation, approval by the chain of command, and announcement in official orders.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief a portion of relief was warranted. The Board carefully considered the applicant's contentions, the military record, and regulatory guidance. The Board agreed that documentation available for review does not reveal a recommendation for, approval by the applicant's chain of command or an announcement in official orders to support the award of the Bronze Star Medal. After due consideration on the request, the Board determined the evidence presented insufficient to warrant a recommendation for relief.

2. Upon further review, the Board found sufficient evidence to grant an award not otherwise requested. As the applicant's record reflects all "excellent" for conduct and efficiency ratings throughout his service, 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

: : : GRANT FULL RELIEF

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: : : 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 23 October 1970 showing in block 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):

- three bronze service stars to his previously issued Vietnam Service Medal
- Republic of Vietnam Civil Action Honor Medal First Class Unit Citation
- two overseas bars
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
- Army Good Conduct Medal

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 award of the Bronze Star 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): A review of the applicant's records show he was awarded or authorized the following awards not listed on his DD Form 214:

- three bronze service stars to his previously issued Vietnam Service Medal
- Republic of Vietnam Civil Action Honor Medal First Class Unit Citation
- two overseas bars
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

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. Department of the Army (DA) Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) shows the applicant's unit (173rd Engineer Company) was cited for award of the Republic of Vietnam Civil Action Honor Medal First Class Unit Citation, 15 April 1969 to 16 March 1971, DAGO Number 5, 1973.

3. Army Regulation 600-8-22 prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. A bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign. The applicant participated in the below 3 campaigns:

- Vietnam Summer-Fall 1969, 9 June 1969—31 October 1969
- Vietnam Winter-Spring 1970, 1 November 1969—30 April 1970
- DA Sanctuary Counteroffensive, 1 May 1970—30 June 1970

b. The Bronze Star Medal is 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, or while engaged in military operations involving conflict with an opposing armed force in which the United States is not a belligerent party. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required. Only one decoration will be awarded to an individual or unit for the same act, achievement, or period of meritorious service.

2. Army Regulation 672-5-1 (Awards), in effect at the time, stated 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 first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; and, 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. The enlisted person must have had all "excellent" conduct and efficiency ratings. Ratings of "Unknown" for portions of the period under consideration were not disqualifying. Service school efficiency ratings based upon academic proficiency of at least "Good" rendered subsequent to 22 November 1955 were not disqualifying. There must have been no convictions by a court-martial. However, there was no right or

entitlement to the medal until the immediate commander made a positive recommendation for its award and until the awarding authority announced the award in general orders.

3. Army Regulation 670-1 (Uniforms and Insignia), in effect at the time, and Army Regulation 670-1 (Wear and Appearance of Army Uniforms and Insignia), currently in effect, both prescribe Department of the Army policy for proper wear and appearance of Army uniforms and insignia worn by officers and enlisted personnel of the Active Army and U.S. Army Reserve, as well as former Soldiers. Both regulations state one overseas service bar is authorized for wear for each period of active Federal service as a member of the U.S. Army outside of the continental limits of the United States for the specific time frames and areas of operation cited in Army Regulation 670-1 or appropriate Department of the Army message. AR 670-1, chapter 28-28d(3) and (13), designate who is authorized to wear the overseas service bar. Specifically, one overseas service bar is authorized for each 6-month period active Federal service as a member of a U.S. Service in Vietnam, from 1 July 1958 to 28 March 1973. The months of arrival to, and departure from Vietnam are counted as whole months for credit toward the overseas service bar. Periods of TDY service in Vietnam where credit is given for hostile fire pay for 1 month, also may be given credit for a corresponding month towards award of an overseas service bar.

//NOTHING FOLLOWS//