

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 December 2023

DOCKET NUMBER: AR20230004683

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show all authorized awards for his foreign service in the Republic of Vietnam (RVN), to include the - Purple Heart, Bronze Star Medal, and Army Commendation Medal.

APPLICANT'S SUPPORTING DOCUMENT CONSIDERED BY THE BOARD:

- DD Form 149, Application for Correction of Military Record
- Name Change Decree
- Bronze Star Medal Certificate and Citation, April 1970 to November 1971
- Army Commendation Medal and Citation, June 1970 to October 1970
- DD Form 214, Armed Forces of the United States-Report of Transfer or Discharge, 17 February 1972

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, his separation was rushed and the awards in question were omitted from his DD Form 214. He further contends that during his service in the RVN he sustained a head injury, and he has a metal plate in his forehead.
3. A review of the applicant's record shows he is authorized additional awards which will be addressed through administrative correction without action by the Board.
4. The applicant enlisted in the Regular Army on 18 August 1969, and he was awarded military occupational specialty 45J, Aircraft Armament Repairman.
5. His record is void of military orders related to his RVN service; however, his record does contain a DA Form 2-1, Personnel Qualification Record, which was reviewed by

the applicant on 9 November 1976. Item 9, Awards, Decorations & Campaigns, of this form shows the following awards and campaigns:

- National Defense Service Medal
- Vietnam Service Medal
- RVN Campaign Medal with "1960" Device
- Army Commendation Medal
- 3 Overseas [Service] Bars
- Expert Marksmanship Qualification Badge (M-14)
- Marksman Marksmanship Qualification Badge (M-16)
- Sanctuary Counteroffensive Campaign
- Vietnam Counteroffensive Phase IV Campaign

6. The applicant's record is void of medical records showing he was wounded in action and/or required treatment for a wound received as a result of enemy action. The applicant did not provide medical documentation of an injury or illness.

7. His name is not included on the Vietnam casualty roster.

8. 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 Military Awards Branch, failed to reveal orders awarding him the Purple Heart, Bronze Star Medal, or Army Commendation Medal.

9. On 17 February 1972, the applicant was honorably released from active duty. He completed 2 years, and 6 months of total active service. The remarks section of his DD Form 214 shows he served in the RVN from 12 May 1970 to 8 December 1971. He was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Overseas Service Bar (3)
- Republic of Vietnam Campaign Medal with "1960" Device
- Army Commendation Medal
- Expert Marksman Qualification Badge (M-14)

10. The applicant provides his:

a. Bronze Star Medal Certificate and Citation for the period April 1970 to November 1971, for meritorious achievement in ground operations against hostile forces. This certificate was signed on 19 November 1971 by Major General (MG) TMT, Commander,

101st Airborne Division (Airmobile). Historical references confirm this general officer was the commander at the time.

b. Army Commendation Medal Certificate and Citation for the period 1 June 1970 to 31 October 1970, for exceptionally meritorious achievement in the RVN. This certificate was signed on 18 December 1970 by MG JJH, Commander, 101st Airborne Division (Airmobile). Historical references confirm this general officer was the commander at the time.

11. Regulatory guidance states as with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was partially warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence of record shows the applicant served in Vietnam from 12 May 1970 to 8 December 1971.

a. The service record does not contain, and the applicant does not provide orders awarding him the Bronze Star Medal. However, he provides a Bronze Star Medal Certificate and Citation for the period April 1970 to November 1971, for meritorious achievement in ground operations against hostile forces. This certificate was signed on 19 November 1971 by Major General (MG) TMT, Commander, 101st Airborne Division. Historical references confirm MG TMT was the commander at the time. The Board accepted this certificate as sufficient to add the Bronze Star Medal to his DD Form 214.

b. The service record does not contain, and the applicant does not provide orders awarding him the Army Commendation Medal. However, he provides an Army Commendation Medal Certificate and Citation for the period 1 June 1970 to 31 October 1970, for exceptionally meritorious achievement in Vietnam. This certificate was signed on 18 December 1970 by MG JJH, Commander, 101st Airborne Division. Historical references confirm MG JJH officer was the commander at the time. Additionally, the Army Commendation Medal is already listed on his DD Form 214. Without orders, it is unclear if the Army Commendation Medal for his Vietnam service is a second award, or the same award listed on his DD Form 214. The Board found insufficient evidence to add the Army Commendation Medal.

c. In order to be awarded the Purple Heart, substantiating evidence must be provided to verify the wound was the result of hostile action, the wound must have required treatment by a medical officer, and the medical treatment must have been

made a matter of official record. The Board noted that the applicant has not satisfied any of these conditions for award of the Purple Heart.

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:

1. In addition to the administration notes below, 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 adding to the applicant's DD Form 214 the Bronze Star 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 Purple Heart.

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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. The applicant is authorized additional awards. Correct his DD Form 214, ending 17 February 1972 by:
 - a. deleting the Vietnam Service Medal, and
 - b. adding the Vietnam Service Medal with four bronze service stars and the RVN Gallantry Cross with Palm Unit Citation.
2. The applicant's DD Form 214, AR 600-8-22, and DA Pamphlet 672-3 (DAGO 8) are sufficient evidence to correct the applicant's record without Board action.

REFERENCES:

1. Title 10, United States 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 (AR) 600-8-22, Military Awards, states:
 - a. The Purple Heart is awarded to members of the Armed Forces of the United States who, while serving under the authority with any of the U.S. Armed Services, have been wounded, were killed, or who have died or may hereafter die of wounds received as a result of hostile enemy action. The wound, injury, or death must have been the result of hostile enemy action, the wound or injury must have required treatment, not merely examination, by a medical officer or a medical professional, provided a medical officer include a statement in the Servicemember's medical record that wounds would have required treatment by a medical officer if one had been available. Additionally, treatment of the wound will be documented in the Servicemember's medical and/or health record.
 - 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.

c. The Army Commendation Medal may be awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

c. The Vietnam Service Medal is awarded to all members of the Armed Forces of the United States for 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 participation in each credited campaign. A silver service star is authorized in lieu of five bronze service stars. The applicant participated in the following 4 campaigns:

- DA Sanctuary Counteroffensive, 1 May 1970-30 June 1970
- Vietnam Counteroffensive, Phase VII, 1 July 1970-30 June 1971
- Consolidation I, 1 July 1971-30 November 1971
- Consolidation II, 1 December 1971-29 March 1972

3. Department of the Army Pamphlet 672-3, Unit Citation and Campaign Participation Credit Register, shows Department of the Army General Orders (DAGO) 8, 1974, announced award of the RVN Gallantry Cross Unit Citation with Palm for service in Vietnam to the following units:

a. Headquarters, United States Military Assistance Command and its subordinate units during the period 8 February 1962 to 28 March 1973.

b. Headquarters, United States Army Vietnam and its subordinate units during the period 20 July 1965 to 28 March 1973.

4. U.S. Army Vietnam Regulation 672-1 (Decorations and Awards) governed the military awards program in Vietnam during the Vietnam War. It stated the Bronze Star Medal may have been awarded for heroism or for meritorious achievement or service which did not involve aerial flight, but which was performed in connection with military operations against an armed enemy including combat, support, and supply operations. The approval authority for award of the Bronze Star Medal was generally delegated no lower than brigadier generals in command of separate brigades. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

5. Section 1130 of the United States Code, allows the Service Secretary concerned to review a proposal for the award of, or upgrading of, a decoration otherwise precluded from consideration by limitations established by law or policy.

a. In order to request an award under Title 10 USC 1130, the applicant must submit a DA Form 638, Recommendation for Award. The DA Form 638 should clearly identify your unit, the period of assignment, and the recommended award. A narrative of the actions or period for which you are requesting recognition must accompany the DA Form 638. In addition, your award request should be supported by sworn affidavits, eyewitness statements, certificates, and related documents. Commanders, leaders, and fellow Soldiers who had personal (i.e., eyewitness) knowledge of the circumstances and events related to the request are the best persons to provide corroborating evidence.

b. Title 10 USC 1130 also requires that a request of this nature be referred to the Service Secretary from a Member of Congress. Therefore, the applicant must submit his request through a Member of Congress who will send it to the United States Army Human Resources Command, ATTN: AHRC-PDP-A, 1600 Spearhead Division Avenue, Fort Knox, KY 40122. The burden and costs for researching and assembling documentation to support approval of requested awards and decorations rests with the requestor.

6. AR 15-185, ABCMR, prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//