

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 December 2023

DOCKET NUMBER: AR20230006009

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 28 September 1970 to show his awarded Bronze Star Medal (BSM).

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- BSM Certificate
- DD Form 214 for the period ending 28 September 1970

FACTS:

1. The applicant did not file within the three-year time frame provided in Title 10, United States Code, section 1552(b); however, the 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 he wants a correction to his DD Form 214 to reflect his earned BSM for meritorious achievement, which was awarded to him while on active duty in Vietnam. He provides his DD Form 214 for the period ending on 28 September 1970 and a copy of his BSM Certificate.

4. The applicant's service record shows the following documents:

a. DD Form 47 (Record of Induction) reflects he was inducted into the Army of the United States on 21 January 1969. He held military occupational specialty 05C, Radio Telephone Operator.

b. His record does not include a DA Form 20 (Enlisted Qualification Record). This form would have indicated his units of assignments and other personnel information.

c. His DD Form 214 shows he was honorably released from active duty on 28 September 1970 and was transferred to the U.S. Army Reserve. He completed 1 year, 8 months, and 8 days of net service this period. It also shows in:

- item 22c (Foreign Service): "1 0 1" (1 year and 1 day of foreign service)
- item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized): does not reflect the award of the BSM; it shows: National Defense Service Medal, 2 overseas service bars, Vietnam Service Medal, Vietnam Campaign Medal, Army Commendation Medal, and Expert Badge with M-16 Rifle Bar
- item 30 (Remarks): he served in Vietnam from 28 September 1969 to 28 September 1970

5. His service record is void of any BSM order. However, he provides a certificate which states he was awarded the BSM for meritorious achievement in ground operations in the Republic of Vietnam from September 1969 to September 1970.

6. His record indicates he is eligible for additional awards that are not shown 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 applicable regulatory guidance. The Board considered documents provided by the applicant and awards received. The Board agreed that although the record does not reflect a BSM order, the record reflects a completed and properly signed certificate reflecting the award and found it sufficient to warrant a recommendation for relief.

2. Upon further review, the Board found sufficient evidence to grant an award not otherwise requested. Based on the applicant receiving the Bronze Star Medal and numerous additional awards, the Board agreed that the applicant was otherwise eligible for the Army Good Conduct Medal and a further correction to his record is warranted.

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 28 September 1970 showing in block 24 (Decorations, Medals, Badges, Commendations and Campaign Ribbons Awarded or Authorized):

- Bronze Star Medal for Meritorious Achievement
- Vietnam Service Medal with four bronze service stars
- RVN Gallantry Cross with Palm Unit Citation
- Army Good Conduct Medal



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 additional awards not listed on his DD Form 214. As a result, amend his DD Form 214 by adding the following awards:

- Vietnam Service Medal with four bronze service stars
- RVN 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 Army Board for Correction of Military Records (ABCMR) determines it would be in the interest of justice to do so.

2. Army Regulation 600-8-22 (Military Awards) provides policy, criteria, and administrative instructions concerning individual military decorations.

a. The BSM 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.

b. The VSM 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. Qualifying service included attachment to or assignment for 1 or more days with an organization participating in or directly supporting military operations. A bronze service star will be authorized for wear on the VSM for participation in each credited campaign.

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//