

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 March 2024

DOCKET NUMBER: AR20230006328

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) ending on 7 February 1972 to show award of the Bronze Star Medal (BSM) and Army Commendation Medal (ARCOM).

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- DD Form 214
- Post Card, undated
- DD Form 314 (Authorization for Issuance of Awards), 23 June 1978

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 the BSM and ARCOM are not shown on his DD Form 214 and he wants his DD Form 214 be correct. He was told during his separation processing that his DD Form 214 did not list all of his awards due to his early release from overseas. He could remain on active duty awaiting correction or accept his DD Form 214 as issued and go home. He elected to go home.
3. On 15 June 1970, the applicant was inducted into the Army of the United States for a 2-year active duty service obligation.
4. His DA Form 20 (Enlisted Qualification Record) shows in:
 - a. item 31 (Foreign Service), he received overseas tour credit for service in Vietnam from 2 December 1970 through 30 November 1971;

b. item 38 (Record of Assignments), during his service in Vietnam, he was assigned to:

- Company B, 5th Battalion, 7th Cavalry Regiment, 1st Cavalry Division (Airmobile), in duty military occupational specialty (MOS) 11B (Light Weapons Infantryman) from 13 December 1970 through 15 February 1971
- Headquarters and Headquarters Company, 1st Battalion, 12th Cavalry Regiment, 1st Cavalry Division (Airmobile), in duty MOS 11B from 16 February 1971 through 7 March 1971
- Company D, 1st Battalion, 12th Cavalry Regiment, 3d Brigade, 1st Cavalry Division (Airmobile), in duty MOS 11B from 8 March 1971 through 30 November 1971

c. item 41 (Awards and Decorations), he was awarded or authorized the:

- National Defense Service Medal
- Vietnam Service Medal
- Combat Infantryman Badge
- Air Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)

5. Headquarters, 3d Brigade (Separate), 1st Cavalry Division (Airmobile), General Orders Number 2337, 28 November 1971, awarded him the BSM for meritorious service in connection with ground operations against a hostile enemy force during the period December 1970 through October 1971.

6. He was honorably released from active duty early as an overseas returnee on 7 February 1972. He completed 1 year, 7 months, and 23 days of net active service during this period, including 11 months and 29 days of foreign service in Vietnam. His DD Form 214 shows he was awarded or authorized the:

- National Defense Service Medal
- Vietnam Service Medal with two bronze service stars
- Combat Infantryman Badge
- Air Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)

7. His service records are void of orders awarding him the ARCOM.

8. Department of the Army General Orders Number 8, 19 March 1974, confirmed award of the Republic of Vietnam 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.

9. The DD Form 314 from the U.S. Army Reserve Components Personnel Administration Center, 23 June 1978, shows he was issued the BSM.

10. The applicant provided an undated post card from his commander stating his BSM and ARCOM were on the way.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board found that relief was partially warranted. The applicant's contentions, his military records, and regulatory guidance were carefully considered.

a. Bronze Star Medal: Grant. General Orders awarded the applicant the Bronze Star Medal which is not shown on his DD Form 214. The Board determined this award should be added.

b. Army Commendation Medal: Deny. Award of the Army Commendation Medal requires a formal recommendation, approval through the chain of command, and announcement in orders. In the absence of an order, the Board found no reason to add this award to his DD Form 214.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
■	■	■	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the corrections addressed in Administrative Note(s) 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 his 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 Army Commendation Medal.

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

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 applicant is authorized administrative correction of his DD Form 214 for the period ending 7 February 1972 without Board action to show the following award: Republic of Vietnam 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 ABCMR determines it would be in the interest of justice to do so.

2. Army Regulation 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. The ARCOM is awarded to any service 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.

//NOTHING FOLLOWS//