

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 January 2024

DOCKET NUMBER: AR20230006616

APPLICANT REQUESTS: award of the Bronze Star Medal.

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

- DD Form 149 (Application for Correction of Military Record), 9 March 2023
- USARV Form 157-R (Recommendation for Decoration for Valor or Merit), for the period 25 June 1969 to 24 June 1970
- Certificate of Appreciation, 7 December 1970
- Special Orders Number 341, 7 December 1970
- DD Form 214 (Armed Forces of the U.S. Report of Transfer or Discharge)

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 he was recommended for the Bronze Star Medal. His actions were recognized, and the proper forms were completed.
3. The applicant's records contain sufficient evidence to support additional awards not shown on his DD Form 214. His DD Form 214 will be administratively corrected without Board action to show awards of the:
 - one silver service star to his previously issued Vietnam Service Medal
 - Republic of Vietnam Gallantry Cross with Palm Unit Citation
 - Republic of Vietnam Civil Action Honor Medal First Class Unit Citation
 - Army Commendation Medal
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 31 January 1969, the applicant enlisted in the Regular Army.
6. His DA Form 20 (Enlisted Qualification Record) shows in:
 - a. item 31 (Foreign Service) – service in the Vietnam, from 25 June 1969 to 21 June 1970; he was assigned to Company C, 34th Engineer Battalion, from 28 June 1969 to 20 June 1970.
 - b. item 38 (Record of Assignments) – he received "excellent" conduct and efficiency ratings, and
 - c. item 41 (Awards, Decorations and Campaigns) – does not show the Bronze Star Medal.
7. General Orders Number 544, issued by Headquarters, 20th Engineer Brigade, Vietnam on 30 April 1970, awarded him the Army Commendation Medal, for meritorious service from 25 June 1969 to 24 June 1970 while in Vietnam.
8. The Army Commendation Medal, citation, for the same period states the applicant distinguished himself by exceptionally meritorious service in support of military operations against communist aggression in the Republic of Vietnam. During the period June 1969 to June 1970. He astutely surmounted extremely adverse conditions to obtain consistently superior results. Through diligence and determination, he invariably accomplished every task with dispatch and efficiency. His unrelenting loyalty, initiative and perseverance brought him wide acclaim and inspired others to strive for maximum achievement. Selflessly working long and arduous hours, he has contributed significantly to the success of the allied effort. His commendable performance was in keeping with the finest traditions of the military service and reflects distinct credit upon himself and the United States Army.
9. The applicant provides:
 - a. USARV Form 157-R (Recommendation for Decoration for Valor or Merit), undated, which shows the applicant was recommended for the award of the Bronze Star Medal, for service in Vietnam during the period 25 June 1969 to 24 June 1970.
 - b. A Certificate of Appreciation in recognition of the applicant's active service from 31 January 1969 to 7 December 1970.
10. On 7 December 1970, he was honorably released from active duty. His DD Form 214 shows he completed 1 year, 10 months, and 17 days of active service. It also shows in:

a. item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) –

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Service Medal
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- two overseas bars

b. item 18 (Remarks) – service in Vietnam from 25 June 1969 to 21 June 1970.

11. The applicant's records are void of orders awarding him the Bronze Star Medal.

12. His records are void of commander's disqualification for award of the Army Good Conduct Medal for the period 31 January 1969 through 7 December 1970, Additionally, there is no evidence of a court-martial conviction or any other factors in his record that would preclude him from award of the Army Good Conduct Medal (1st Award).

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, a majority of the Board found relief is not warranted.
2. A majority of the Board noted that the applicant was recommended for award of the Bronze Star Medal as shown on the form he provided. A majority of the Board noted, however, that there are no chain of command endorsements on the recommendation and the period of service to be recognized is the same as the period of service for which he received the Army Commendation Medal. A majority of the Board found it probable that the approval authority determined the Army Commendation Medal was the appropriate award to recognize his period of service in Vietnam rather than the Bronze Star Medal.
3. The member in the minority determined the evidence is sufficient to add the Bronze Star Medal to his record.
4. The Board unanimously found the applicant met the criteria for the Army Good Conduct Medal (1st Award). The Board determined he should be awarded this medal and it should be added 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. Other than the corrections addressed in Administrative Note(s) below and the correction addressed in the following paragraph, the Board determined the evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are otherwise insufficient as a basis for correction of the records of the individual concerned.

2. The Board determined the applicant met the criteria for the Army Good Conduct Medal and as a result the following corrections should be made:

- award him the Army Good Conduct Medal (1st Award) for the period 31 January 1969 through 7 December 1970
- add the Army Good Conduct Medal (1st Award) to his DD Form 214

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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 which should be listed on his DD Form 214:

- Army Commendation Medal
- one silver service star with the Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal First Class 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 prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. 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.

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

4. A bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign.

5. Department of the Army (DA) Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) shows the applicant's unit (Company C, 34th Engineer Battalion) was cited for award of the Republic of Vietnam Civil Action Honor Medal First Class Unit Citation, 12 December 1969 to 9 February 1970, DA General Order Number (DAGO) 11, dated 1973.

6. Department of the Army General Orders Number 8, dated 1974, announced 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.

//NOTHING FOLLOWS//