

IN THE CASE OF: ██████████

BOARD DATE: 10 January 2024

DOCKET NUMBER: AR20230007242

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) ending 5 February 1970 to show he was awarded the Bronze Star Medal (BSM) with "V" Device.

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- BSM Certificate, dated 19 March 1969
- BSM (Oak Leaf Cluster (OLC) Certificate, dated 4 November 1969
- BSM (2<sup>nd</sup> OLC) with "V" Device, dated 26 January 1970
- DD Form 214 for the period ending 5 February 1970

FACTS:

1. The applicant did not file within the three-year time frame provided in Title 10, United States Code (USC), 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 his DD Form 24 does not reflect his BSM with "V" Device. He has orders and a citation for the award (He did not provide the orders). He wants his record corrected to show what he earned while in military service. Additionally, he does not want to be embarrassed if his obituary and his service record do not match and to avoid any controversy.

3. The applicant provides:

a. BSM Certificate, dated 19 March 1969, which shows he received this award for meritorious achievement against hostile forces in the Republic of Vietnam.

b. BSM (1<sup>st</sup> OLC) Certificate, dated 4 November, which shows he received this award for meritorious achievement against hostile forces in the Republic of Vietnam.

c. BSM (2<sup>nd</sup> OLC) with "V" Device Certificate, dated 26 January 1970, which shows

he received this award for heroism in ground combat in the Republic of Vietnam.

4. A review of the applicant's official record shows:

a. On 5 July 1967, he enlisted in the Regular Army.

b. General Orders (GO) Number 2678, dated 14 November 1969, shows he was awarded the Army Commendation Medal, which is not listed on his DD Form 214.

c. GO Number 645, dated 19 arch 1969, shows he was issued orders for the BSM award (1<sup>st</sup> Award) for meritorious achievement against a hostile force in the Republic of Vietnam.

d. GO Number 26078, dated 4 November 1969 shows he was issued orders for the award of the BSM (1<sup>st</sup> OLC) for the period of March 1969 to November 1969.

e. DA Form 20 (Enlisted Qualification Record) reflects the following:

- Item 31 (Oversea Command): 31 March 1968 through 4 February 1970 – U.S. Army Pacific, Vietnam (USARPAC)
- Item 38 (Record of Assignments):
  - 4 April 1968 to 10 December 1968, he was assigned to Company B, 1<sup>st</sup> Battalion (Airborne) 503<sup>rd</sup> Infantry, 173<sup>rd</sup> Airborne Brigade
  - 11 December 1968 to 24 January 1969, he was assigned to the 74<sup>th</sup> Infantry, 173<sup>rd</sup> Airborne Brigade
  - 25 January 1969 to 29 January 1969, he was assigned to the U.S. Army Vietnam, 67<sup>th</sup> Evacuation Hospital
  - 30 January 1969 to 21 February 1969, he was assigned to the 74<sup>th</sup> Infantry Detachment, 173<sup>rd</sup> Airborne Brigade
  - 22 February to 30 January 1970, he was assigned as a Ranger, with the 75<sup>th</sup> Infantry in the Republic of Vietnam
- Item 41 (Awards and Decorations): Does not reflect the BSM (2<sup>nd</sup> OLC) with "V" Device

f. His record does not reflect nor does the applicant provide any orders for the BSM (2<sup>nd</sup> OLC) with "V" Device.

g. DD Form 214, ending on 5 February 1970, shows he was honorably released from active duty. He completed 2 years, 7 months, and 1 day of net service this period, with 1 year, 7 months, and 4 days of foreign service in USARPAC. This document does not show he was awarded the BSM (2<sup>nd</sup> OLC) with "V" Device.

h. The applicant is entitled to additional awards not listed on his DD Form 214 which will be administratively corrected.

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. One potential outcome was to deny relief based on the absent of orders in the applicant's records. However, the Board determined the certificate signed by the Commanding General of the 173rd Airborne Brigade provided by the applicant was sufficient to correct his records for award of the BSM 2nd OLC (second oak leaf cluster) w/ V Device. During deliberation, the Board determined the applicant's service record did not reflect he was awarded the Army Good Conduct Medal (AGCM) and his record shows he received excellent conduct and efficiency retains throughout his service for the period of 5 July 1967 to 5 February 1970. Based on this, the Board granted relief to award the Bronze Star Medal 2nd OLC with V Device and the Army Good Conduct Medal.

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:


In addition to the administrative notes annotated by the Analyst of Record (below the signature), the Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending his DD Form 214 For the period ending 5 February 1970, by adding in item 24 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) –

- Bronze Star Medal 2nd OLC with V Device and
- awarding him the Army Good Conduct Medal (1st Award) for exemplary service from 5 July 1967 to 5 February 1970 and adding the medal to his DD Form 214 for the period ending 5 February 1970

2/20/2024

X 

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CHAIRPERSON  


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 an additional award not listed on his DD Form 214 for the period ending 5 February 1970 As a result, amend his DD Form 214 by adding to:

- a. Item 24 (Awards) the following awards:
  - Army Commendation Medal
  - Republic of Vietnam Gallantry Cross with Palm Unit Citation
  - Vietnam Service Medal one silver star and 2 bronze service stars.
  
- b. Item 30 (Remarks): "Service in Vietnam from 31 March 1968 through 4 February 1970"

REFERENCES:

1. Title 10, USC, section 1552(b), provides that applications for correction of military records must be filed within three 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 three-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. Chapter 3-16 (BSM) states 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. A bronze service star is added to the BSM for every additional award or a V Device for acts of heroism.
3. Army Regulation 635-5 (Separation Documents) in effect at the time, states that the DD Form 214 will reflect the conditions and circumstances that existed at the time the records were created. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form be complete and accurate and reflects the conditions as they existed at the time of separation. Personnel officers will prepare and authenticate DD Form 214WS (Worksheet) prior to forwarding records to the transfer facility. All available records will be used as a basis for the preparation of DD Form 214WS, including DA Form 20 (Enlisted Qualification Record) and orders.
4. 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//