

IN THE CASE OF: ██████████

BOARD DATE: 1 February 2024

DOCKET NUMBER: AR20230007399

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show his Bronze Star Medal (BSM).

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- DA Form 4980-5 (BSM Certificate)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). 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 leadership awarded him the BSM, but it is not reflected on his DD Form 214. In support of his request, the applicant provides a DA Form 4980-5, which shows on 10 September 1969, Major General ██████████ awarded him the BSM for meritorious achievement in ground operations against hostile forces, during the period September 1968 to September 1969.

3. A review of the applicant's service record reveals the following:

a. On 8 April 1968, the Army of the United States (AUS) inducted the applicant for 2 years. Upon completion of initial entry training, orders transferred him to Vietnam, and, on 12 September 1968, he arrived at his unit of assignment (1st Squadron, 4th Cavalry Regiment, 1st Infantry Division).

b. On 27 August 1969, the applicant completed his tour in Vietnam, and orders reassigned him to an armor battalion at Fort Hood, TX; he arrived, on 7 October 1969.

c. On 7 April 1970, the AUS honorably released the applicant from active duty and transferred him to the U.S. Army Reserve for the remainder of his military service obligation. His DD Form 214 shows he completed 2 years of net active duty service. Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) lists the following:

- National Defense Service Medal
- Vietnam Service Medal with four bronze service stars
- Republic of Vietnam Campaign Medal with Device (1960)
- Expert Marksmanship Qualification Badge with Rifle Bar

d. The applicant's DA Form 20 (Enlisted Qualification Record) reflects the following:

(1) Item 33 (Appointments and Reductions): The applicant's leadership progressively promoted him until he attained the rank of specialist five (SP5)/E-5, effective 8 December 1969; no reductions in rank are reflected.

(2) Item 38 (Record of Assignments – Conduct – Efficiency): the applicant received "Excellent" conduct and efficiency ratings throughout his term of active duty service.

(3) Item 41 (Awards and Decorations): the Bronze Star Medal is not listed.

e. The applicant's service record is void of any General Orders awarding the Bronze Star Medal; in addition, there are no court-martial convictions or other disciplinary actions.

4. 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 and maintained by the U.S. Army Human Resources Command Military Awards Branch, failed to reveal any Bronze Star Medal general orders pertaining to the applicant.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.

2. The Board found the BSM Certificate provided by the applicant sufficient to confirm he received this award. The Board determined the BSM should be added to his DD Form 214.

3. The Board further 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.

4. The Board concurred with the corrections described in Administrative Note(s) below.

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:

- Awarding him the Army Good Conduct Medal (1st Award) for the period 8 April 1968 through 7 April 1970
- Adding the Bronze Star Medal and the Army Good Conduct Medal (1st Award) to his DD Form 214
- Making the corrections described in Administrative Note(s) below

5/6/2024

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CHAIRPERSON
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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): The applicant's DD Form 214 is missing unit awards he is authorized. Please correct the DD Form 214 by adding the following:

- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

REFERENCES:

1. Title 10, USC, 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. AR 600-8-22 (Military Awards), currently in effect, prescribes policies and procedures for military awards. It states 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. AR 672-5-1 (Awards), in effect at the time, prescribed policies and procedures for military awards. It 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 the first award only, commanders could award the Army Good Conduct Medal, upon termination of the Soldier's service on or after 27 June 1950, if he or she had served less than 3 years but more than 1 year. Additionally, the Soldier had to have had all "Excellent" conduct and efficiency ratings and no court-martial convictions.

//NOTHING FOLLOWS//