

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 January 2024

DOCKET NUMBER: AR20230007601

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show award of the Bronze Star Medal with "V" Device (Valor).

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

- DD Form 149 (Application for Correction of Military Record), 24 April 2023
- Ivy Leaf Newspaper, Volume I, Number 11, 4th Infantry Division, 13 January 1967

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, in effect, he was awarded the BSM with V Device in early January 1967, but he never received the medal, the certificate or the orders awarding it. His BSM with "V" device was not entered into his permanent record. He would like the medal and a copy of the orders awarding it to him.
3. The applicant provided a copy of Ivy Leaf Newspaper, Volume I, Number 11, dated 13 January 1968, listing his name among those who were awarded the BSM with V Device, while he was assigned the Headquarters and Headquarters Company, 69th Armor.
4. A review of the applicant's available service records shows:
 - a. On 6 June 1962, he entered active duty in the Regular Army as an Armor Corps commissioned officer. His DA form 2-1 (Personnel Qualification Record) shows he:
 - (1) served in Vietnam for two deployments:

- from 26 January 1966 to 19 December 1966 for 11 months
- from 3 September 1969 to 30 August 1970 for 12 months

(2) was awarded, in part, the BSM (2nd Oak Leaf Cluster).

b. His DA Form 2-1, Part I shows he was awarded BSM (Third Award).

c. He served in a variety of stateside and overseas assignments, and he attained the rank of major.

d. On 31 August 1982, he was retired. His DD Form 214 shows he was awarded, in part, the BSM (2nd Oak Leaf Cluster). It does not show the BSM with V Device.

e. 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 maintained by the U.S. Army Human Resources Command Military Awards Branch, found General Orders Number 4426 issued by United States Military Assistance Command, Vietnam, dated 20 August 1970, awarded him the BSM (1st Oak Leaf Cluster).

f. General Orders Number 4427, issued by U.S. Army Military Assistance Command – Vietnam on 20 August 1970 awarded him the Bronze Star Medal (1st Oak Leaf Cluster) for meritorious service in connection with military operations against a hostile force from September 1969 to August 1970.

g. His records are void of orders, a citation, or a certificate awarding him the BSM with V Device.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Although the applicant has been awarded the Bronze Star Medal (First Oak Leaf Cluster), there is no evidence to support the addition of the "V" device to the applicant's previously awarded Bronze Star Medals.

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:

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 insufficient as a basis for correction of the records of the individual concerned.

[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.

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 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.
3. Army Regulation 600-8-22 (Military Awards) 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.
 - a. Awards may be made for acts of heroism, which are of lesser degree than required for the award of the Silver Star.
 - b. When the Bronze Star Medal is awarded for heroism, a bronze letter "V" (for valor) is worn on the suspension and service ribbon of that medal.
 - c. The Bronze Star Medal may be awarded for meritorious achievement or meritorious service to recognize single acts of merit or meritorious service.
 - d. Award may be made to each service member of the Army, who after 6 December 1941, has been cited in orders or awarded a certificate for exemplary conduct in ground combat against an armed enemy between 7 December 1941 and 2 September 1947.

//NOTHING FOLLOWS//