

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 September 2024

DOCKET NUMBER: AR20230007803

APPLICANT REQUESTS: update to his DD Form 214 (Armed Forces Of The United States Report of Transfer or Discharge) for the period ending 29 February 1972 to show he was awarded the Bronze Star Medal (BSM).

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

- DD Form 149 (Application for Correction of Military Record)
- A letter issued by National Personnel Records Center (NPRC), 5 October 2022
- An Ancestry.com results page, undated
- A partial DA Form 20 (Enlisted Qualification Record)
- DD Form 214

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 would like the BSM he received for his service added to his DD Form 214 for the period ending 29 February 1972, and sent to him on the address listed on the DD Form 149 he submitted. He was awarded the BSM while serving in Vietnam but due to his permanent change of station (PCS) from Vietnam to Germany, he never physically received it. The award was issued by the 507th Transportation Group, IV Corp Traffic Management Agency, Military Assistance Command Vietnam (MACV) on 11 November 1970. He discovered he was awarded the BSM while searching online. The award was transferred to the gaining installation on 7 December 1970 however, the applicant never received it, and it was never added to his DD Form 214. He now suffers from post-traumatic stress disorder (PTSD) which is included in his Department of Veterans Affairs (VA) disability rating of 60 percent (%). He has received all other ribbons and medals that he was missing, but the BSM was not included.
3. The applicant provides:

a. A letter issued by National Personnel Records Center (NPRC), dated 5 October 2022 lists the awards which he was authorized. It does not list the BSM:

- Joint Service Commendation Medal (JSCM)
- National Defense Service Medal (NDSM)
- Vietnam Service Medal (VSM)
- Republic of Vietnam Campaign Ribbon with Device (1960)
- Sharpshooter Badge with Auto Rifle Bar
- Markman Badge with Rifle Bar

b. An Ancestry.com results page, undated, shows he was awarded the BSM on 11 November, while assigned to IV Corps during his service in Vietnam. The original source for this information was the National Archives and Records Administration (NARA).

4. The applicant is authorized additional awards not currently listed on his DD Form 214. These awards will be administratively correction in the "Administrative Notes" section of this document without the need for Board action.

5. The applicant's service record reflects the following:

a. DD Form 47 (Record of Induction) shows he was inducted into the Army of the United States on 22 July 1969 and honorably released on 27 July 1969.

b. His DD Form 4 (Enlistment Record-United States Army) shows he enlisted in the Regular Army on 28 July 1969, for three years.

c. DA Form 20 (Enlisted Qualification Record) shows in:

- item 31 (Foreign Service): 15 January 1969-8 December 1970 -Vietnam
- item 33 (Appointments and Reductions) shows consecutive promotions and does not reflect any reductions in rank
- item 38 (Record of Assignments): all excellent ratings in conduct/efficiency
- item 41 (Awards and Decorations): NDSM, VSM, VCM, two overseas bars, JSCM, however this document does not reflect the BSM
- item 44 (Time Lost): this document does not reflect any lost time

d. The applicant's service record does not reflect any misconduct or disciplinary actions. His DD Form 214 for the period ending on 29 February 1972 shows he was honorably released from active duty and was transferred to the United States Army Reserve. He completed 2 years, 7 months, 2 days of net service. I also shows in:

- item 22c (Foreign and/or Sea Service): 2 years, 0 months, 0 days
- item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):
 - National Defense Service Medal
 - Vietnam Service Medal
 - Vietnam Campaign Medal with Device 1960
 - 2 overseas service bars
 - Marksman Badge with Rifle M-14) Bar
 - Sharpshooter Badge with Rifle M-16 Bar
 - Joint Service Commendation Medal
- item 30 (Remarks): "Service in Vietnam 15 January-8 December 1970"

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, failed to reveal any orders for the BSM 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 that partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Bronze Star Medal: Deny. As a personal decoration, award of the Bronze Star Medal requires a formal recommendation, approval through the chain of command, and announcement in orders. The Board did not find evidence the applicant was recommended for or awarded the Bronze Star Medal.

b. Army Good Conduct Medal: Grant. As a related award, although not specifically requested, the Board noted that the applicant served continuously on active duty from 22 July 1969 (date of induction) to 29 February 1972 completing a total of 2 years, 7 months and 8 days of continuous active duty service (induction and enlistment service). He received excellent conduct and efficiency ratings. His record does not reflect any lost time or any derogatory information that would have disqualified him from receiving his first award of the Army Good Conduct Medal, or a commander's disqualifying memorandum for this award. The Board determined he met the criteria to be awarded the Army Good Conduct Medal (1st Award).

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

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: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the correction 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:

- awarding the applicant the Army Good Conduct Medal (1st Award) for service during the period 22 July 1969 to 29 February 1972
- adding award of the Army Good Conduct (1st Award) to his DD Form 214

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 awarding him the Bronze Star Medal.

9/9/2024

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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):

A review of the applicant's records shows he is authorized additional awards not listed on his DD Form 214. As a result, amend his DD Form 214 by amending item 24 (Awards) to show he was authorized the following awards:

- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Vietnam Service Medal with three bronze service stars

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.

a. The Bronze Star Medal, established by Executive Order on 4 February 1944, was awarded to any person who, while serving in any capacity in or with the I Army of the United States, on or after 7 December 1941, shall have 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.

b. The Army Good Conduct Medal, is awarded for exemplary behavior, efficiency, and fidelity in active Federal military service. It is awarded on a selective basis to each Soldier who distinguishes himself or herself from among his or her fellow Soldiers by exemplary conduct, efficiency, and fidelity throughout a specified period of continuous enlisted active Federal military service

3. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) shows:

a. Paragraph 6d, states that 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. Army Vietnam, and its subordinate units for the period 20 July 1965 to 28 March 1973.

b. Paragraph 8 Campaign participation credits shows he was authorized four bronze campaign stars for the following campaigns:

- Vietnam Winter-Spring 1970 (1 November 1969-30 April 1970)
- Sanctuary Counter offensive 1970 (1 May 1970-30 June 1970)
- Vietnam Counteroffensive, Phase VII 1970-1971 (1 July 1970-30 June 1971)

5. 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. The ABCMR may, in its discretion, hold a hearing (sometimes referred to as an evidentiary hearing or an administrative hearing) or request additional evidence or opinions. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//