

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 27 February 2024

DOCKET NUMBER: AR20230007809

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 9 December 1969 to show award of the Bronze Star Medal (BSM).

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

- DD Form 149 (Application for Correction of Military Record)
- Bronze Star Medal Certificate, 30 November 1969
- DD Form 214, 9 December 1969
- DD Form 215 (Correction to DD Form 214), 2 May 2018

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 awarded the BSM, and it was not put on his DD Form 214.
3. The applicant provides a copy of the BSM certificate, dated 30 November 1969, which states he was awarded the BSM for meritorious achievement in ground operations against hostile forces in the Republic of Vietnam during the period 1 February 1969 to 30 November 1969.
4. A review of the applicant's service record shows:
 - a. He was inducted into the Army of the United States on 8 May 1968. He held military occupational specialty 05C, Radio Telephone Operator.
 - b. DA Form 20 (Enlisted Qualification Record) shows in:

- Item 31 (Foreign Service) he served in Vietnam from 9 November 1968 to 9 December 1969
- Item 38 (Record of Assignments) shows he was assigned to Headquarters and Headquarters Company, 2nd Battalion, 506th Infantry, Vietnam from 24 November 1968 to 5 December 1969
- Item 41 (Awards and Decorations): Does not show the award of the BSM.

c. His DD Form 214 shows he was honorably released from active duty and transferred to the U.S. Army Reserve on 9 December 1969. Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) does not show he was awarded the BSM. It shows:

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal with Device (1960)
- Army Commendation Medal
- 2 overseas service bars
- Marksman Qualification Badge with rifle bar (M-16)

5. The applicant was issued a DD Form 215 on 2 May 2018. His date of birth was corrected.

6. The applicant's service record does not contain, and the applicant does not provide the orders awarding him the BSM.

7. A review of the Awards and Decorations Computer-Assisted Retrieval System (ADCARS), an index of general orders issued during the Vietnam era, maintained by the U.S. Army Human Resources Command, failed to reveal any orders that show the applicant was awarded the BSM.

8. His record indicates he is entitled to additional awards that are not shown on his DD Form 214.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant served in Vietnam from 9 November 1968 to 9 December 1969. Award of the Bronze Star Medal requires a formal recommendation, approval through the chain of command, and announcement in orders. There are no orders provided for the award. However, the applicant provides a certificate showing he was cited for achievement in

Vietnam during the period 1 February 1969 to 30 November 1969. The Board noted that the period of service and narrative on the certificate are consistent with duties, scope of responsibilities, and service in Vietnam, and therefore accepted the certificate and citation as sufficient evidence to add this award to his DD Form 214.

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 corrections addressed in Administrative Note(s) below, 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 adding to his DD Form 214 the Bronze Star Medal.

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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 is authorized additional awards not listed on his DD Form 214 for the period ending 9 December 1969. As a result, his DD Form 214 should be amended in item 24 (Awards) as follows:

- a. Delete the Vietnam Service Medal
- b. Add:
 - Vietnam Service Medal with four bronze service stars
 - 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 (Military Awards) states:

a. 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. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

b. The Vietnam Service Medal was awarded to all service members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through 28 March 1973. Qualifying service included attachment to or assignment for 1 or more days with an organization participating in or directly supporting military operations. One bronze service star is authorized with the Vietnam Service Medal for each campaign during which a member was assigned or attached to and present for duty with a unit during the period in which it participated in combat or was under orders in the combat zone and served at a normal post of duty. The applicant participated in four campaigns during his service in Vietnam.

3. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the unit awards received by units serving in Vietnam. This pamphlet shows 2nd Battalion, 506th Infantry, was cited for the following unit awards:

a. Department of the Army General Order (DAGO) Number 43, dated 1970, the Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period 19 July 1968 to 14 May 1969.

b. DAGO Number 48, dated 1971, the Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation for the period 3 October 1968 to 2 May 1970.

//NOTHING FOLLOWS//