

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 January 2024

DOCKET NUMBER: AR20230007819

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 10 April 1970 to show he received the following awards:

- Bronze Star Medal (BSM)
- Army Commendation Medal (ARCOM)

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

- DD Form 149 (Application for Correction of Military Record), 13 April 2023
- DD Form 214, 10 April 1970
- Letter issued by the 31st Engineer Detachment, 5th Special Forces Group (SFG), 1st Special Forces, 15 October 1970
- General Orders (GO) Number 2258, Headquarters (HQ), 5th SFG, 14 November 1970
- Letter issued by the Department of the Army, Office of the Adjutant General (AGO), 29 April 1971

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 and the ARCOM, but these medals were not added to his DD Form 214.
3. The applicant provided copies of:
 - a. His application and statement outlined above.
 - b. GO Number 2258, issued by HQ, 5th SFG, 1st SF, dated 14 November 1970, awarding him the BSM.

c. A Transmittal of Award Elements document issued by HQ, AGO, dated 29 April 1971, showing he was awarded the BSM and it was enclosed. An ARCOM was not referenced or enclosed with this letter.

4. The applicant's records contain sufficient evidence to support additional awards not shown on his DD Form 214 and will be listed in administrative notes.

5. The Board will consider the applicant's request for the ARCOM and as a separate issue, the Board will consider the award of the Army Good Conduct Medal (First Award) (AGCM) for his service for the period 5 June 1967 to 10 April 1970.

6. A review of the applicant's service records shows:

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

b. His DA Form 20 (Enlisted Qualification Record) shows he:

- served in Vietnam from 30 April 1969 through 29 April 1970 and participated in four campaigns
- had no reductions in grade and was promoted to sergeant/E-5
- was assigned to 31st Engineer Detachment, 5th SFG, 1st SF while in Vietnam
- received all "excellent" conduct and efficiency ratings during his active duty service
- was awarded or authorized:
 - National Defense Service Medal
 - Parachutist Badge
 - Vietnam Service Medal
 - Republic of Vietnam Gallantry Cross with Palm Unit Citation
 - two overseas service bars
 - Marksman Marksmanship Qualification Badge with Rifle Bar (M-14)
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-16) and Pistol Bar (.45 caliber)
- had no time lost under Section 972, Title 10, United States Code

c. On 10 April 1970, he was honorably released from active duty. His DD Form 214 shows he:

- was released from active duty in the grade of sergeant/E-5
- completed 2 years, 10 months, and 6 days of net active service
- was awarded or authorized:

- National Defense Service Medal
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Republic of Vietnam Campaign Medal with Device (1960)
- Vietnam Service Medal
- two overseas service bars
- Parachutist Badge
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found partial relief is warranted.
2. The Board found no evidence in the available records showing the applicant was recommended for or awarded the ARCOM. The Board determined the evidence is insufficient as a basis for adding this medal to his DD Form 214.
3. The Board 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:

<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:

1. 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 him the Army Good Conduct Medal (1st Award) for the period 5 June 1967 through 10 April 1970
- Adding the Army Good Conduct Medal (1st Award) to his DD Form 214
- Making the corrections described in Administrative Note(s) below

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 the ARCOM.

4/15/2024

X

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 show he was awarded or authorized the following awards, which should be listed on his DD Form 214:

- Bronze Star Medal
- four bronze service stars with the Vietnam Service Medal
- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation
- Expert Marksmanship Qualification Badge with Pistol Bar (.45 caliber)
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-14)

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 Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The Army Commendation Medal is awarded to any service member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. Award may be made to a member of the armed forces of a friendly foreign nation who, after 1 June 1962, distinguishes himself or herself by an act of heroism, extraordinary achievement, or meritorious service, which has been of mutual benefit to a friendly nation and the United States. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

b. The Army Good Conduct Medal is awarded to 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. There is no right or entitlement to the medal until the immediate commander has approved the award and the award has been announced in permanent orders.

(1) The periods of service of qualifying service are: (1) each 3 years completed on or after 27 August 1940; (2) for the first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; (3) for the first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year; (4) for the first award only, upon termination of service on or after 27 June 1950 of less than 1 year when final separation was by reason of physical disability incurred in line of duty; or (5) for the first award only, for those individuals who died before completing 1 year of active Federal military service or if the death occurred in the line of duty.

(2) Throughout a qualifying period of service, the enlisted Soldier's character must have been above reproach and must meet all of the following criteria for award of the Army Good Conduct Medal as indicated in the Soldier's record: willingly complied with the demands of the military environment, been loyal and obedient to his or her superiors, faithfully supported the goals of his or her organization and the Army, and conducted himself or herself in an exemplary manner as to distinguish him or her from fellow Soldiers.

4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register (January 1960 – February 1986)), in effect at the time, shows

a. His unit, 5th SFG, 1st Special Forces, was awarded Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation by DAGO Number 48, 1970, for the period January 1968 to 24 September 1970.

b. He participated in four campaigns:

- TET 69 Counteroffensive, 23 February 1969 – 8 June 1969
- Vietnam Summer – Fall I 1969, 9 June 1969 – 31 October 1969
- Vietnam Winter-Spring 1970, 1 November 1969—30 April 1970
- DA Sanctuary Counteroffensive, 1 May 1970 – 30 June 1970

//NOTHING FOLLOWS//