

IN THE CASE OF: ██████████

BOARD DATE: 28 March 2024

DOCKET NUMBER: AR20230007846

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 31 May 1989 to show award of the Bronze Star Medal (BSM) (2nd Award).

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 638 (Recommendation for Award), page 1, dated 9 March 1989
- DA Form 2-1 (Personnel Qualification Record)
- Photo with Applicant, undated
- Photo of H, Troop (Air), 17th Armored Cavalry Squadron Guidon, 1972
- DD Form 214, 31 May 1989

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 is requesting that his DD Form 214 be amended to show he was awarded the BSM with 1 oak leaf cluster for his second tour to Vietnam with H Troop (Air), 17th Cavalry Squadron at Camp Holloway Pleiku, Vietnam from 1972 to 1973. As he departed Vietnam he was told by Captain (CPT) ██████ that everyone would receive a BSM and that he should receive it when he gets home. He never received the BSM for his second tour and he would like to correct this error.
3. The applicant provides the following:
 - a. Page 1 of DA Form 638, dated 9 March 1989, which shows in:
 - Part III.13 (All Previous Awards to Individual): 4 MSM, 2 BSM, 2 Army Commendation Medals (ARCOM), and 2 Army Achievement Medals (AAM)

- Part IV (Proposed Citation) states he served two combat tours in the Republic of Vietnam.
- b. A photo of the applicant in uniform.
- c. A photo of H Troop (Air), 17th Armored Cavalry Squadron's guidon at Camp Holloway, Pleiku Vietnam, 1972.
4. A review of the applicant's service record shows:
- a. He enlisted in the Regular Army on 5 March 1962 and had multiple reenlistments.
- b. His DA Form 2-1 contains the following:
- Item 5 (Oversea Service) shows he served in the Republic of Vietnam from 16 April 1969 thru 1 April 1970 and from 1 February 1972 thru 28 January 1973
 - Item 9 (Awards, Decorations and Campaigns): shows the BSM (1st Award). It also shows he participated in four campaigns during the Vietnam War:
- c. His DD Form 214 shows he was honorably retired on 31 May 1989. Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) does not show he was awarded the BSM (2nd Award). It shows:
- Good Conduct Medal (9th Award)
 - Vietnam Service Medal with four bronze service stars
 - Driver and Mechanics Badge with bar
 - Vietnam Gallantry Cross with Palm Unit Citation
 - Noncommissioned Officer Professional Development Ribbon (4th Award)
 - German Armed Forces Marksmanship Badge in Gold
 - Air Medal (38th Award)
 - National Defense Service Medal
 - 4 overseas service bars
 - 4 overseas service ribbons
 - MSM (4th Award)
 - BSM
 - ARCOM (1st oak leaf cluster)
 - AAM (1st oak leaf cluster)
5. The applicant's service record does not contain, and the applicant does not provide orders awarding him the BSM (2nd Award).

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.
2. The Board found no evidence other than the applicant's statement indicating he was to receive a second award of the BSM. In the absence of an approved recommendation or orders announcing he received a second award of the BSM, the Board determined the evidence does not support correcting the record to show he was awarded the BSM (2nd Award).

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.

7/24/2024

X [Redacted Signature]

CHAIRPERSON

[Redacted Name]

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 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit awards. It states the Bronze Star Medal 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. Second and succeeding awards are denoted by oak leaf clusters.

//NOTHING FOLLOWS//