

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 February 2024

DOCKET NUMBER: AR20230007890

APPLICANT REQUESTS:

- flight pay for the 13 months of service in the Republic of Vietnam
- correction of air medal citation to reflect multi hours of flight time

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

DD Form 149 (Application for Correction of Military Record)

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20190014573 on 9 April 2021.

2. The applicant states in pertinent part that he should be entitled to backpay for the 13 months that he served as a crew member in the Republic of Vietnam. He contests that he understood that in response to the previously granted relief, it may take some time, but he would at some point receive back pay for his service as an aviation crew member.

3. A review of the applicant's available service records reflects the following:

a. On 11 February 1970, the applicant was inducted into the Army of the United States to serve as a 45M (Aircraft Armament Subsystems Repairman).

b. On or about 30 August 1970, the applicant was sent to the Republic of Vietnam and subsequently assigned to the 116th Aviation Company (Assault Helicopter) with duty as a 45M.

c. On or about 14 September 1971, the applicant departed the Republic of Vietnam enroute to the U.S.

d. On 15 September 1971, Headquarters, U.S. Army Personnel Center issued Special Orders Number 258 relieving the applicant from active duty and reassigning him to the U.S. Army Reserve (USAR), effective 17 September 1971.

e. On 16 September 1971, the applicant was honorably released from active duty and transferred into the USAR with a terminal service obligation date of 10 February 1976. DD Form 214 (Armed Forces of the U.S. Report of Transfer or Discharge) item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) reflects:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal
- One Overseas Service Bar
- Army Commendation Medal
- Expert Marksmanship Badge (M-16)

f. On 29 January 1976, the Office of the Adjutant General issued Letter Orders Number 01-1015568 discharging the applicant from the USAR, effective 1 February 1976.

4. On 9 April 2021, ABCMR Docket Number AR20190014573 the Board granted full relief of the applicant's request to be awarded the Air Medal. In result the applicant was issued DD Form 215 (Correction to DD Form 214, Certificate of Release or Discharge from Active Duty) to reflect award of the Air Medal. Further noted during the review of the applicant's available service records revealed evidence of the applicant being authorized several additional awards/decorations to include:

- Valorous Unit Award
- Army Commendation Medal (2nd Award)
- Vietnam Service Medal (w/ 2 bronze service stars)
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

The above referenced awards were also annotated on the constructed DD Form 215

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 Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military record, the Board determined there is insufficient evidence to support the applicant's contentions

for flight pay for the 13 months of service in the Republic of Vietnam and correction of air medal citation to reflect multi hours of flight time. The Board noted the applicant's record is absent orders and there is no indication of flight time and nature of his flights are not documented.

2. However, during deliberation, the Board determined the applicant's service record should be corrected to show 2 overseas service bars and reflect he was awarded the Army Good Conduct Medal (1st award) and his record shows he received "excellent" conduct and efficiency ratings throughout his service for the period 11 February 1970 to 16 September 1971. Therefore, partial relief was granted to correct the applicant's record to show 2 overseas bars and award him the Army Good Conduct Medal.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : 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 amending the applicant's DD Form 214 for the period ending 16 September 1971 to show in item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):

- Two Overseas Bars and
- Award of Army Good Conduct Medal (1st Award) for exemplary service from 11 February 1970 to 16 September 1971 and adding the medal to his DD Form 214 for the period ending 16 September 1971

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 flight pay for the 13 months of service in the Republic of Vietnam and correction of air medal citation to reflect multi hours of flight time.

3/29/2024

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. Army Regulation (AR) 600-8-22 (Military Awards) Paragraph 3-18 (Air Medal) provides that the Air Medal is awarded to any person who, while serving in any capacity in or with the Armed Forces of the United States, who has distinguished himself or herself by meritorious achievement while participating in aerial flight. Awards may be made to recognize single acts of valor, merit or heroism, or for meritorious service. The Air Medal is primarily intended to recognize those personnel who are on current crewmember or non-crew member flying status which requires them to participate in aerial flight on a regular and frequent basis in the performance of their primary duties. However, it may also be awarded to certain other individuals whose combat duties require regular and frequent flying in other than a passenger status, or individuals who

perform a particularly noteworthy act while performing the function of a crewmember, but who are not on flying status.

2. Department of Defense Financial Management Regulation, Volume 7A, Chapter 22 (Aerial Flights) 220101 (Entitlement) provides that members under competent orders to participate in regular and frequent aerial flights as crew or non-crew members, who otherwise meet the requirements of this chapter, are entitled to flying pay for such duty. Entitlement to Hazardous Duty Incentive Pay (HDIP) must be announced on orders. Monthly HDIP rate for non-crew members is \$110.00. A member on flying status must complete a minimum of 4 hours of aerial flight per month.

3. AR 15-185 (ABCMR) paragraph 2-9 states 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.

//NOTHING FOLLOWS//