

IN THE CASE OF: ██████████

BOARD DATE: 21 March 2024

DOCKET NUMBER: AR20230008255

APPLICANT REQUESTS: Correction of his DD Form 214 (Armed Forces of the United States - Report of Transfer or Discharge) by adding the Bronze Star Medal and the Army Commendation Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- Award Certificates for the Bronze Star Medal and the Army Commendation Medal
- 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 was awarded these medals, but they were never entered onto his DD Form 214. A previous decision said they could not find any proof that he had been awarded these medals. However, he found copies of the certificates for the medals in his personal files.
3. A review of the applicant's service record shows he was inducted into the Army of the United States for a period of two years on 5 October 1968. He completed training with award of the military occupational specialty 36K (Wireman). The highest grade he held was E-4 (Temporary).
4. The applicant served in Vietnam from 1 September 1967 through 29 August 1968 with Company A, 801st Maintenance Battalion, 101 Airborne Division. Based on his dates of service in Vietnam, the applicant served during four campaign periods.
5. The available records do not include copies of orders or the award certificates for either award requested.

6. The DA Form 20 (Enlisted Qualification Record) shows his conduct and efficiency ratings as excellent and that he served during two campaign periods. His awards are listed as the National Defense Service Medal, Vietnam Service Medal, Republic of Vietnam Campaign Medal with Device (60), Sharpshooter Qualification Badge with Rifle bar (M-16), and the Marksman Qualification Badge with Rifle Bar (M-1).
7. The applicant was released from active duty on 31 August 1968 and transferred to the U.S. Army Reserve Control Group (Annual Training). His DD Form 214 shows his service was characterized as honorable. He is credited with 1 year, 10 months, and 26 days of active service. His awards are listed as the National Defense Service Medal, Vietnam Service Medal, and Vietnam Campaign Medal.
8. The applicant provided copies of the award certificates for the Bronze Star Medal and the Army Commendation Medal. Neither of the certificate's contain the orders numbers.
9. The applicant had previously requested the Bronze Star Medal and the Army Commendation Medal be added to his DD Form 214. On 28 November 2017 the applicant's request was administratively closed for failure to exhaust all available administrative remedies. He was advised to request a review through a member of Congress to U.S. Army Human Resources Command,(AHRC), Awards Branch and if his request was denied and he still felt an injustice existed he could resubmit an application to the ABCMR with a copy of the denial. There is no evidence that he applied to AHRC and was denied.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, a majority of the Board found relief is warranted.
2. A majority of the Board found the certificates provided by the applicant sufficient as a basis for confirming he was awarded the Bronze Star Medal and Army Commendation Medal during his service in Vietnam. A majority of the Board determined the medals should be added to his DD Form 214.
3. The member in the minority determined relief should be denied because the applicant has not exhausted the administrative remedy available to him at AHRC.
4. The Board concurred with the corrections described in Administrative Note(s) below.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

█	█	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	█	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

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 the Bronze Star Medal and Army Commendation Medal to his DD Form 214
- Making the corrections described in Administrative Note(s) below

6/27/2024

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): The applicant is authorized decorations that were not recorded on his DD Form 214. Please correct the DD Form 214 by adding the following:

- 4 bronze service stars with the Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-1)

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 635-5 (Separation Documents) prescribes the separation documents that must be prepared for Soldiers on retirement, discharge, release from active duty service, or control of the Active Army. It establishes standardized policy for preparing and distributing the DD Form 214 and states all awards and decorations for all periods of service are to be listed in priority sequence and abbreviations are not to be used.

3. Army Regulation 672-5-1 (Military Awards), in effect at the time, stated :

a. The Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940, 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. The enlisted person must have had all "excellent" conduct and efficiency ratings. There must have been no convictions by a court-martial.

b. The Vietnam Service Medal is awarded to all members of the armed forces who served in Vietnam or its contiguous waters or airspace during the period 3 July 1965 through 28 March 1973. A bronze service star is authorized for wear with this medal for participation in each credited campaign.

4. Army Regulation 600-8-22 provides the following:

a. Awards of decorations and the Good Conduct Medal officials will be announced in permanent orders.

b. The statute of limitations on the submission of recommendations for awards for Vietnam was 24 Oct 1975. However, Section 1130, Title 10, United States Code provides that the Service concerned will review a proposal for the award of, or upgrading of, a decoration that would not otherwise be authorized to be awarded based upon time limitations previously established by law. A DA Form 638 (Recommendation for Award) clearly identifying the unit, the period of assignment, and the award being recommended needs to be submitted separately. A narrative of the actions or period for the requested recognition must accompany the DA Form 638. Requests for consideration of awards should be supported by sworn affidavits, eyewitness statements, certificates, and related documents. Commanders, leaders, and fellow

comrades who had personal knowledge of the circumstances and events relative to the request, best provide corroborating evidence. The law also requires that a request for award not previously submitted in a timely fashion will only be considered under this provision if the request has been referred to the Service Secretary from a Member of Congress. The burden and costs for researching and assembling documentation to support approval of requested awards and decorations rests with the requester.

//NOTHING FOLLOWS//