

IN THE CASE OF: ██████████

BOARD DATE: 14 March 2024

DOCKET NUMBER: AR20230008540

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 19 January 1972 by adding the Distinguished Flying Cross (DFC) and Valorous Unit Award (VUA).

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

- DD Form 149 (Application for Correction of Military Record), 30 May 2023
- DD Form 214, 19 January 1972
- Department of the Army, Permanent Orders 089-10, 30 March 2010

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, these awards should be added to his DD form 214.
3. The applicant's records contain sufficient evidence to support an administrative correction to his DD Form 214 not requiring Board action (VUA), which will be addressed in Administrative Note(s) below.
4. The Board will consider the applicant's request for award of the DFC.
5. The applicant's service record reflects the following information:
  - a. On 6 February 1970, the applicant enlisted in the Regular Army for a period of 3 years. He completed Basic Combat Training, Advanced Individual Training, and was awarded military occupational specialty (MOS) 67A (Aircraft Maintenance Apprentice).
  - b. His DA Form 20 (Enlisted Qualification Record) shows in:

(1) Item 38 (Record of Assignments) – on 17 December 1970, shows he was assigned to the 71st Aviation Company in the principal duty of gunner and on 20 September 1971, his status was changed to enroute to the United States.

(2) Item 41 (Awards and Decorations) – he was authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Aircraft Crewman Badge
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)

c. On 19 January 1972, he was honorably released from active duty. His DD Form 214 shows:

(1) In block 22c (Foreign and/or Sea Service) -- service in Vietnam for 1 year.

(2) In block 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Aircraft Crewman Badge
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)

d. His records are void of orders showing he was awarded the DFC.

e. A review of the Awards and Decorations Computer-Assisted Retrieval System, an index of general orders issued during the Vietnam era between 1965 and 1973 maintained by the U.S. Army Human Resources Command Military Awards Branch, failed to reveal any orders for the DFC pertaining to the applicant.

5. Permanent Orders 089-10 issued by Department of the Army, U.S. Army Human Resources Command, awarded 71st Aviation Company the VUA for the period 8 February 1971 to 28 March 1971.

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 indicating the applicant was recommended for or awarded the DFC during his period of service in Vietnam. In the absence of such evidence, the Board determined there is no basis for adding this award to his DD Form 214.
3. The Board concurred with the corrections described in Administrative Note(s) below.

BOARD VOTE:

Mbr 1	Mbr 2	Mbr 3	
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:	:	:	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 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 DFC.

6/25/2024

**X** 

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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's DD Form 214 is missing authorized decorations. Please correct the DD Form 214 by adding the following:

- Valorous Unit Award
- two bronze service stars with the Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm 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 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 Distinguished Flying Cross is awarded to any person who, while serving in any capacity with the Army, distinguishes himself or herself by heroism or extraordinary achievement while participating in aerial flight. The performance of the act of heroism must be evidenced by voluntary action above and beyond the call of duty. The extraordinary achievement must have resulted in an accomplishment so exceptional and outstanding as to clearly set the individual apart from his or her comrades or from other persons in similar circumstances. 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.

//NOTHING FOLLOWS//