

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 April 2024

DOCKET NUMBER: AR20230009548

APPLICANT REQUESTS:

- correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of:
  - Bronze Star Medal (BSM) with First Oak Leaf Cluster
  - Army Commendation Medal (ARCOM)
- award of the Combat Infantryman Badge (CIB) and correction of his DD Form 214 to show this award
- Cold War Medal

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

- DD Form 149 (Application for Correction of Military Record), 13 June 2023
- Newspaper article, 31 December 1970
- General Order (GO) Number 5603, 4th Infantry Division, 4 November 1970
- DA Form 4980-5 (Bronze Star Medal Certificate), 8 November 1970
- BSM Citation, 1 October 1970 to 1 November 1970
- GO Number 500, HQ, I Field Force Vietnam, 27 April 1971
- DA Form 4980-5, 2 May 1971
- BSM Citation, 14 August 1970 to 10 April 1971
- Certificate of Appreciation, 11 June 1971
- DD Form 214, 11 June 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:

- a. He has orders for the BSM with First Oak Leaf Cluster.
  - b. He never received in Combat infantryman Badge, his Cold War Medal, or his Army Commendation Medal.
  - c. His commanding officer was killed before he could submit the orders for his medals.
3. The applicant provided copies of:
- a. A newspaper article, dated 31 December 1970, outlining his service in Vietnam and noting, in part, he was awarded the BSM for his leadership while being a team leader of a unit trapped by mortar fire while in a convoy.
  - b. General Orders Number 500, issued by HQ, I Field Force Vietnam, dated 27 April 1971, awarding him the BSM with First Oak Leaf Cluster.
  - c. A Certificate of Appreciation dated 11 June 1971.
4. The applicant's records contain sufficient evidence to support additional awards not shown on his DD Form 214 and will be listed in the administrative notes section.
5. Authorization for the Cold War Medal was introduced during the 117th Congress but not passed into law during that session. The Bill (H.R. 5757), neither having been acted on by Congressional vote nor being passed into law by Presidential signature, cannot be considered by the Board. The Secretary of Defense approved the Cold War Recognition Certificate to all members of the armed forces and qualified Federal government civilian personnel who faithfully and honorably served the United States anytime during the Cold War era, which is defined as 2 September 1945 to 26 December 1991. The Cold War Recognition Certificate is not governed by the provisions of Army Regulation 600-8-22 (Military Awards) and, as a result, is not shown on a discharge document. The applicant may submit a request in writing to Commander, U.S. Army Human Resources Command, Cold War Recognition, ATTN: AHRC-CWRS, 1600 Spearhead Division Avenue, Fort Knox, KY 40122. Based on this information, the applicant's request for the Cold War Recognition Certificate will not be discussed any further in this Record of Proceedings.
6. The Board will consider the applicant's request for the ARCOM, the CIB and will consider as a separate and additional issue, his authorization for the Army Good Conduct Medal (First Award) for the period 3 September 1969 to 11 June 1970.
7. A review of the applicant's service records shows:

a. On 3 September 1969, he was inducted into the Army of the United States. He completed Basic Combat Training, he completed Advanced Individual Training, and he was awarded military occupational specialty 11B (Light Weapons Infantryman).

b. Headquarters, U.S. Army Training Center, Infantry and Fort Lewis issued:

(1) Special Orders Number 294, awarding him the Expert Marksmanship Qualification Badge with Rifle Bar (M-14).

(2) Special Orders Number 9, awarding him the Marksman Marksmanship Qualification Badge with Rifle Bar (M-16).

c. On 15 August 1970, he deployed to Vietnam.

d. General Orders Number 5603, issued by HQ, 4th Infantry Division, dated 4 November 1970, awarded him the BSM for achievement in connection with military operations against an armed hostile force during the period 1 October 1970 to 1 November 1970.

e. His DA Form 20 (Enlisted Qualification Record) shows in:

(1) Item 29 (Qualification in Arms) – he was awarded:

- Expert Marksmanship Qualification Badge with Rifle Bar M-14
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16) and Machinegun Bar (M-60)

(2) Item 33 (Appointments and Reductions) – no reductions.

(3) Item 38 (Record of Assignments) he received all "excellent" conduct and efficiency ratings; while in Vietnam, he participated in one campaign, and he was assigned to:

- Company C, 1st Battalion, 14th Infantry, 4th Infantry Division from 20 August 1970 to 6 November 1970
- Company C 1st Squadron, 10th Cavalry, 4th Infantry Division from 7 November 1970 to 21 March 1971

(4) Item 41 (Awards and Decorations) – he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Bronze Star Medal

(5) Item 44 (Time Lost Under Section 972, Title 10 U.S.C.) – none

f. On 11 June 1971, he was honorably released from active duty and transferred to control of the U.S. Army Reserve Control Group (Annual Training) His DD Form 214 for this period shows in:

(1) Item 5 (Grade, Rate or Rank) – sergeant/E-5.

(2) Item 22a (Net Service This Period) – 1 year, 9 months, and 9 days.

(3) Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) – he was awarded or authorized:

- Bronze Star Medal
- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)

(4) Item 26a (Non-Pay Periods Time Lost (Preceding Two Years)) – none.

(5) Item 30 (Remarks) – in part, no record of court-marital convictions.

8. His records are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal for the period 3 September 1969 to 11 June 1971; and void of orders or a commander's recommendation awarding him the ARCOM, the Army Good Conduct Medal (First Award), and the CIB.

9. 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 award of the Army Commendation Medal and the Army Good Conduct Medal (First Award) pertaining to the applicant.

#### 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 applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Although no orders were provided for the Combat Infantryman Badge, the Board noted that the applicant received the Bronze Star Medal for achievement in connection with military operations against an armed hostile force on 1 October 1970 to

1 November 1970 and on 14 August 1970 to 10 April 1971. The Board also noted the applicant's military occupational specialty while serving in Vietnam was 11B (Light Weapons Infantry). The Board determined by a preponderance of this evidence that award of the Combat Infantryman Badge was warranted.

b. As a related award, although not specifically requested by the applicant, the Board noted that the applicant served on active duty from 3 September 1969 to 11 June 1971, completing 1 year, 9 months, and 9 days of active service. He received all "Excellent" conduct and efficiency ratings throughout his service. His record is void of any disqualifying factor that prevents him from receiving his first award of the Army Good Conduct Medal. The Board determined he meets the criteria for award of the Army Good Conduct Medal (1st Award).

2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted for so much of the applicant's request to be awarded the Army Commendation Medal. Specifically, the Board determined there were no orders awarding the applicant the Army Commendation Medal, there were no recommendations submitted by the applicant's chain of command to award him the Army Commendation Medal, and a review of his Enlisted Qualification Record did not reveal that he had been awarded the Army Commendation Medal. Based on this evidence, the Board determined there was no evidence of record to support the applicant's request for the Army Commendation Medal.

3. Prior to closing the Board, the Board noted the administrative note included in the Record of Proceedings for additional awards authorized.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:            :            :            GRANT FULL RELIEF

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:            :            :            GRANT FORMAL HEARING

:            :            :            DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the corrections addressed in Administrative Note(s) below, 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:

- awarding him the Army Good Conduct Medal for service during the period 3 September 1969 to 11 June 1971
- awarding him the Combat Infantryman Badge on 21 March 1971
- adding to his DD Form 214 the Combat Infantryman Badge and the Army Good Conduct Medal (1st Award)

2. The Board further determined that 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 award of the Army Commendation Medal.

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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 shows he was awarded or authorized the following awards not listed on his DD Form 214:

- One Oak Leaf Cluster to his previously awarded BSM
- one bronze service star to his previously issued Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Expert Marksmanship Qualification Badge with Rifle Bar M-14
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16) and Machinegun Bar (M-60)

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

a. A bronze or silver twig of four oak leaves with three acorns on the stem, 13/32 inch long for the suspension ribbon, and 5/16 inch long for the service ribbon bar and the unit award emblem is issued to denote award of second and succeeding awards of decorations. A silver oak leaf cluster is worn instead of five bronze oak leaf clusters. 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.

b. The ARCOM was established by War Department Circular 377, 18 December 1945 (amended in AGO 1960–10, 31 March 1960).

c. The ARCOM is awarded to any Servicemember 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.

d. The ARCOM may be awarded for combat related service or achievement after 29 February 1964.



e. Awards of the ARCOM may be made for acts of valor performed under circumstances described above which are of lesser degree than required for award of the BSM. These acts may involve aerial flight. A bronze letter "V" (for valor) is worn on the suspension and service ribbon of that medal.

f. The CIB is awarded to infantry or special forces officers and enlisted and warrant officer persons who have an infantry or special forces MOS. They must have served in active ground combat while assigned or attached to an infantry, ranger, or special forces unit of brigade, regimental, or smaller size. Specifically, a recipient must be personally present and under hostile fire while serving in an assigned infantry or special forces primary duty in a unit actively engaged in ground combat with the enemy. The unit in question must be a brigade, regiment, or smaller size. For example, personnel possessing an infantry MOS in a rifle squad of a cavalry platoon in a cavalry troop would be eligible for award of the CIB. Battle or campaign participation credit alone is not sufficient; the unit must have been in active ground combat with the enemy during the period. Personnel with other than an infantry or special forces MOS are not eligible, regardless of the circumstances.

4. Army Regulation 672-5-1 (Awards), in effect at the time, provided guidance for military awards and decorations during the Vietnam Era.

a. The Army Good Conduct Medal (AGCM) 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, 1 year served entirely during the period 7 December 1941 to 2 March 1946; and, 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. Ratings of "unknown" for portions of the period under consideration were not disqualifying. Service school efficiency ratings based upon academic proficiency of at least "good" rendered subsequent to 22 November 1955 were not disqualifying. There must have been no convictions by a court-martial. However, there was no right or entitlement to the medal until the immediate commander made a positive recommendation for its award and until the awarding authority announced the award in general orders.

b. Appendix V reads the CIB was awarded only to enlisted individuals who held and served in MOS 11B (Infantryman), 11C (Indirect Fire Infantryman), 11D (Armor Reconnaissance Specialist), 11F (Infantry Operations and Intelligence Specialist), 11G (Infantry Senior Sergeant), or 11H (Infantry Direct Fire Crewman).

6. Army Regulation 635-5 (Separation Documents), effective 1 February 1967, prescribed the separation documents that would be furnished each individual who was separated from the Army including Active Duty Training personnel and established standardized procedures for the preparation and distribution of these documents. All

available records would be used as a basis for the preparation of the DD Form 214, including DA Form 20, DA Form 66, and orders.

a. In item 24, enter from item 21, DA Form 66 (Officer Qualification Record), or section 9, DA Form 20 (Enlisted Qualification Record) all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

b. There is no provision for entering Certificates of Appreciation in item 24 of the DD Form 214.

7. 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. He participated in one campaign;

b. 1st Battalion, 14th Infantry, 4th Infantry Division, was awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation by Department of the Army General Orders Number (DAGO) 52, 1971, for the period 29 July 1969 to 17 November 1970; and

c. 1st Squadron, 10th Cavalry, 4th Infantry Division, was awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation by DAGO 52, 1971, for the period 29 July 1969 to 14 November 1970.

8. H.R. 5757 of the 117th Congress, was a bill in the United States Congress. A bill must be passed by both the House and Senate in identical form and then be signed by the President to become law. Bills numbers restart every two years. That means there are other bills with the number H.R. 5757. This is the one from the 117th Congress. This bill was introduced in the 117th Congress, which met from 3 January 2021 to 3 January 2023. This bill was introduced on 27 October 2021, in a previous session of Congress, but it did not receive a vote. Legislation not passed by the end of a Congress is cleared from the books.

//NOTHING FOLLOWS//