

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 23 April 2024

DOCKET NUMBER: AR20230009579

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of: Purple Heart (PH) and Air Medal (AM).

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

- DD Form 149 (Application for Correction of Military Record), 28 June 2023
- DD Form 214, 15 July 1969
- Veterans Administration letter, dated 28 December 1978

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, his DD Form 214 is missing his PH and his AM and should be correctly noted. He provided a copy of a VA letter dated 28 December 1978, showing he is receiving disability compensation.
3. 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. The Board will consider the applicant's request for award of the AM, and as a separate and related issue, his authorization to wear the Army Good Conduct Medal (First Award) for the period 19 July 1967 to 15 July 1969.
4. A review of the applicant's service records shows:
 - a. On 19 July 1967, he was inducted into the Army of the United States. He was trained in and held military occupational specialty 11C (Infantry Indirect Fire Crewman)
 - b. On 21 December 1967, he deployed to Vietnam.

c. General Orders Number 8629, issued by Headquarters, 1st Air Cavalry Division, dated 18 July 1968, awarded him the Purple Heart for wounds received in connection with military operations against a hostile force on 6 July 1968.

d. On 20 July 1968, he returned to the Continental United States.

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

(1) Item 29 (Qualification in Arms) – he was awarded: Expert Marksmanship Qualification Badge with Pistol Bar (.45 caliber) and Marksman Marksmanship Qualification Badge with Rifle Bar (M-14) and (M-16), and Mortar Bar.

(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 four campaigns, and he was assigned to Company D, 2nd Battalion, 12th Cavalry, 1st Air Cavalry Division from 24 December 1967 to 20 July 1968.

(4) Item 41 (Awards and Decorations) – he was awarded or authorized: National Defense Service Medal, Vietnam Service Medal, Combat Infantryman Badge, and Republic of Vietnam Campaign Medal with Device (1960).

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

f. On 15 July 1969, 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) – specialist 4 (T) (temporary)/E-4.

(2) Item 22a (Net Service This Period) – 1 year, 11 months, and 27 days.

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

- National Defense Service Medal
- Vietnam Service Medal
- Combat Infantryman Badge
- Republic of Vietnam Campaign Medal with Device (1960)
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-14)

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

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

7. 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 AM and the Army Good Conduct Medal (First Award).

8. 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 Air Medal and the Army Good Conduct Medal (First Award) pertaining to the applicant.

OARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was partially warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. The applicant served in Vietnam from 21 December 1967 to 20 July 1968. General Orders issued by Headquarters, 1st Air Cavalry Division, awarded him the Purple Heart for wounds received in connection with military operations against a hostile force on 6 July 1968. This award should be listed on his DD Form 214.

b. Regarding the Air Medal, there are no general orders available showing the applicant was awarded the Air Medal. The governing regulation requires a formal recommendation, approval through the chain of command, and announcement in orders for award of the Air Medal. In the absence of orders or other independent evidence that would confirm he completed the number of missions/flying hours necessary to be awarded the Air Medal, there is insufficient evidence upon which to base award of the Air Medal in this case.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

[REDACTED]

GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the correction addressed in Administrative Note(s) below, 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 adding to the Purple Heart to his DD Form 214.

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 adding the Air Medal to his DD Form 214.

[REDACTED]

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 his DD Form 214 should be amended to show in:

a. Item 24, He was awarded or authorized the following awards not listed on his DD Form 214:

- four bronze service stars to his previously issued Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Expert Marksmanship Qualification Badge with Pistol Bar (.45 caliber)

- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16) and Mortar Bar

b. Item 30, "Service in Vietnam: 19 July 1967 to 15 July 1969."

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. The Air Medal is awarded in time of war for heroism and for meritorious achievement or service while participating in aerial flight. This award is primarily intended for personnel on flying status but may also be awarded to those personnel whose combat duties require them to fly, for example, personnel in the attack elements of units involved in air-land assaults against an armed enemy. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required. Numerals, starting with 2, will be used to denote second and subsequent awards of the AM.

b. The Army Good Conduct Medal is awarded to on a selective basis to each Soldier who distinguishes himself or herself from among his or her fellow Soldiers by exemplary conduct, efficiency, and fidelity throughout a specified period of continuous enlisted active Federal military service. There is no right or entitlement to the medal until the immediate commander has approved the award and the award has been announced in permanent orders.

(1) The periods of service of qualifying service are: (1) each 3 years completed on or after 27 August 1940; (2) for the first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; (3) 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; (4) for the

first award only, upon termination of service on or after 27 June 1950 of less than 1 year when final separation was by reason of physical disability incurred in line of duty; or (5) for the first award only, for those individuals who died before completing 1 year of active Federal military service or if the death occurred in the line of duty.

(2) Throughout a qualifying period of service, the enlisted Soldier's character must have been above reproach and must meet all of the following criteria for award of the Army Good Conduct Medal as indicated in the Soldier's record: willingly complied with the demands of the military environment, been loyal and obedient to his or her superiors, faithfully supported the goals of his or her organization and the Army, and conducted himself or herself in an exemplary manner as to distinguish him or her from fellow Soldiers.

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 guidelines for award of the Air Medal were based upon the number and types of missions or hours.

(1) Twenty-five category I missions (air assault and equally dangerous missions) and accrual of a minimum of 25 hours of flight time while engaged in category I missions was the standard established for which sustained operations were deemed worthy of recognition by an award of the Air Medal. However, the regulation was clear that these guidelines were considered only a departure point. Combat missions were divided into three categories.

(2) A category I mission was defined as a mission performed in an assault role in which a hostile force was engaged and was characterized by delivery of ordnance against the hostile force or delivery of friendly troops or supplies into the immediate combat operations area.

(3) A category II mission was characterized by support rendered a friendly force immediately before, during, or immediately following a combat operation.

(4) A category III mission was characterized by support of friendly forces not connected with an immediate combat operation but which must have been accomplished at altitudes which made the aircraft at times vulnerable to small arms fire or under hazardous weather or terrain conditions.

b. To be recommended for award of the Air Medal, an individual must have completed a minimum of 25 hours category I missions, 50 hours category II missions, or 100 hours category III missions. Since various types of missions would have been completed in accumulating flight time toward award of an Air Medal for sustained

operations, different computations would have had to be made to combine category I, II, and III flight times and adjust it to a common denominator.

c. 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.

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. In item 30 (Remarks), in part, Indicate Indochina and Korea service on or after 5 August 1964 by entering inclusive dates of service for Vietnam and indicating "yes" or "no" for service in Indochina and Korea.

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. During his service in Vietnam, he participated in four campaigns; and

b. Company D, 2nd Battalion, 12th Cavalry, 1st Air Cavalry Division was awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation by Department of the Army General Orders Number 56, 1969, for the period 9 August 1965 to 19 May 1969.

//NOTHING FOLLOWS//