

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 April 2024

DOCKET NUMBER: AR20230009628

APPLICANT REQUESTS: Correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show the following awards:

- Bronze Star Medal (BSM)
- Purple Heart (PH)

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

- DD Form 149 (Application for Correction of Military Record), 20 June 2023
- DA Form 4980-10 (Purple Heart Certificate), 26 October 1970
- DA Form 4980-5 (Bronze Star Medal Certificate), 13 March 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, these awards were not included on his DD Form 214.
3. The applicant provided copies of certificates supporting his requests.
4. The applicant's records contain a DD Form 215 (Correction to DD Form 214) issued to him from the Adjutant General, U.S. Army Reserve Personnel Center (ARPERCEN), ST. LOUIS, MO, dated 16 March 1995 and showing he was awarded the Purple Heart. As his record has previously been corrected to show award of the PH, this issue will not be further discussed in this record of proceedings.
5. The applicant's records contain sufficient evidence to support additional awards an administrative correction not shown on his DD Form 214 for the period ending on 20 March 1971, and will be listed in administrative notes.

6. The Board will consider his request for the BSM, and as an additional issue, his authorization for the Army Good Conduct Medal (First Award) for the period 16 August 1968 to 20 March 1971.

7. A review of the applicant's service records shows:

a. On 16 August 1968, he enlisted in the Regular Army for a period of 3 years.

b. He served in Vietnam from 21 March 1969 to 20 March 1971 (2 years) during five campaigns, and he was assigned to:

- Company A, 92d Engineer Battalion, 20th Engineer Brigade, from 21 March 1969 to 20 March 1970, and such unit was authorized the Meritorious Unit Commendation during this period
- Troop C, 1st Squadron, 9th Cavalry, from May 1970 to April 1971, and such unit was authorized to Valorous Unit Award and Republic of Vietnam Gallantry Cross with Palm Unit Citation during this period

c. General Orders (GO) Number 119, issued by Headquarters (HQ), 20th Engineer Brigade, dated 27 January 1970, awarded him the Army Commendation Medal (ARCOM) for meritorious service for the period 21 March 1969 to 20 March 1970.

d. GO Number 529, issued by HQ, 1st Cavalry Division, dated 11 January 1971, awarded him the ARCOM with "V" for heroism, for the dates of action 12 September 1971 to 13 September 1971.

e. GO Number 4645, issued by HQ, 1st Cavalry Division, dated 4 March 1971, awarded him the Air Medal (AM) Numeral 2 and AM Numeral 3, for the period July 1970 to February 1971.

f. GO Number 5397, issued by HQ, 1st Cavalry Division, dated 14 March 1971, awarded him the ARCOM for meritorious service for the period 18 May 1970 to 11 April 1971.

g. On 27 March 1971, he was honorably released from active duty. His DD Form 214 shows in:

- (1) Item 5a and Item 5b (Grade, Rate or Rank and Pay Grade) – specialist/E-4.
- (2) Item 22a (Net Service This Period) – 2 years, 7 months, and 5 days.
- (3) Item 22c (Foreign and/or Seas Service) – Vietnam, 2 years.

(4) Item 24 (Decorations, Medals, Badges, Commendation, Citations and Campaign Ribbons Awarded or Authorized:

- National Defense Service Medal
- Army Commendation Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device 1960)

(5) Item 26a (Non-Pay Periods Time Lost) – no entry.

(6) Item 30 (Remarks) – in part:

- Vietnam Service: 21 March 1969-20 March 1971"
- no entries showing court-martial convictions

h. On 16 March 1995, he was issued a DD Form 215, amending his DD Form 214 for the period ending 20 March 1971 and awarding him the PH and the AM.

8. His records are void of evidence of non-judicial punishment under provisions or Article 15 of the Uniform Code of Military Justice and void of records of conviction by court-martial. In addition, he record does not contain a DA Form 20 (Personal Qualification Record) for conduct and efficiency ratings.

9. His records are void of orders awarding him the Bronze Star Medal and the Army Good Conduct Medal (First Award) for the period 16 August 1968 to 20 March 1971.

10. 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 BSM and the AGCM (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 relief is warranted.

2. The Board found the BSM Certificate provided by the applicant sufficient to confirm he received this medal. The Board determined the medal should be added to his DD Form 214.

3. The Board found the applicant met the criteria for the Army Good Conduct Medal. The Board determined he should be awarded this medal and it should be added to his DD Form 214.

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:

- Awarding him the Army Good Conduct Medal (1st Award) for the period 16 August 1968 through 20 March 1971
- Adding to his DD Form 214 the Bronze Star Medal and the Army Good Conduct Medal (1st Award)
- Making the corrections described in Administrative Note(s) below

8/27/2024

X █

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CHAIRPERSON

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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): The applicant's records contain sufficient evidence to support additional awards not shown on his DD Form 214 and should be administratively corrected to show awards of:

- Numeral 3 with the Air Medal
- "V" Device (Valor) and 1st Oak Leaf Cluster with the Army Commendation Medal
- one silver service star with the Vietnam Service Medal
- Valorous Unit Award
- Meritorious Unit Commendation (2nd Award)
- 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.

a. 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.

b. The ABCMR may, in its discretion, hold a hearing (sometimes referred to as an evidentiary hearing or an administrative hearing) or request additional evidence or opinions. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

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 Bronze Star Medal is awarded in time of war for heroism and for 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. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

(1) Awards may be made for acts of heroism, which are of lesser degree than required for the award of the Silver Star.

(2) When the Bronze Star Medal is awarded for heroism, a bronze letter "V" (for valor) is worn on the suspension and service ribbon of that medal.

(3) The Bronze Star Medal may be awarded for meritorious achievement or meritorious service to recognize single acts of merit or meritorious service.

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 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. 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.

5. 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. Company A, 92d Engineer Battalion, 20th Engineer Brigade, was authorized the:
  - Meritorious Unit Commendation (MUC) by Department of the Army General Orders (DAGO) Number 2, 1971, for the period 1 January 1968 to 30 June 1968
  - MUC by DAGO Number 51, 1971, for the period 1 July 1969 to 30 June 1970
- b. Troop C, 1st Squadron, 9th Cavalry, was authorized the:
  - Valorous Unit Award by DAGO Number 43, 1972, during the period 1 May 1970 to 29 June 1970
  - Republic of Vietnam Gallantry Cross with Palm Unit Citation by DAGO Number 42, 1972, during the period 21 February 1970 to 28 February 1971
- c. He participated in five campaigns while assigned to two units in Vietnam.

//NOTHING FOLLOWS//