

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 April 2024

DOCKET NUMBER: AR20230009766

APPLICANT REQUESTS: the addition of the Aircraft Crewman Badge (now called the Basic Aviation Badge) to his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge).

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4980-9 (Air Medal Certificate)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). 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, during his service in Vietnam, his command awarded him two Air Medals; he believes he meets the criteria for the Basic Aviation Badge. In support of his request, he provides an Air Medal Certificate, which announces the award of the Air Medal (2nd Award) and states that he distinguished "himself by meritorious achievement, while participating in sustained aerial flight, in support of combat ground forces in the Republic of Vietnam. During the period 16 March 1966 to 25 November 1966, he actively participated in aerial missions over hostile territory in support of operations against communist aggression."

3. A review of the applicant's service record reveals the following:

a. On 6 August 1964, the applicant enlisted into the Regular Army for 3 years. Upon completion of initial entry training and the award of military occupational specialty 11B (Light Weapons Infantryman), orders transferred him to Hawaii and, on 11 May 1965, he was further assigned to the 1st Battalion, 27th Infantry Regiment, 25th Infantry Division.

b. On 6 January 1966, the applicant moved with his unit to Vietnam. On 4 November 1966, Headquarters, 25th Infantry Division General Orders awarded the applicant the Purple Heart for wounds incurred on 3 November 1966. On or about 22 December 1966, he completed his tour in Vietnam, and orders reassigned him to an infantry unit at Fort Carson, CO; he arrived on 1 February 1967.

c. On 4 August 1967, the Army honorably released the applicant from active duty, based on having reached his expiration term of service, and transferred him to the U.S. Army Reserve. His DD Form 214 shows that he completed 2 years, 11 months, and 29 days of net active duty service. Additionally, the report reflects the following:

(1) Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbon Awarded or Authorized):

- National Defense Service Medal
- Purple Heart
- Combat Infantryman Badge
- Republic of Vietnam Campaign Medal with Device (1960)
- Vietnam Service Medal with two bronze service stars

(2) Item 30 (Remarks) does not list the dates of his Vietnam service.

d. A further review of the applicant's service record reveals it is void of any orders placing him in a flying status either as a crewmember, a door gunner, or a non-crewmember.

e. On 5 February 2001, the U.S. Total Army Personnel Command (PERSCOM) issued the applicant Permanent Orders announcing the Air Medal (2nd Award) for the period 21 March to 25 November 1966. With the orders, PERSCOM also provided a DA Form 4980-9 and a DD Form 215 (Correction to DD Form 214).

#### BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The regulation in effect at the time authorized an individual who participated in at least 15 combat missions under probable exposure to enemy fire while serving in the principal duty of crew chief, flight engineer, aircraft maintenance supervisor, observer, gunner, or technical inspector to permanent award of the Aircraft Crew Member Badge. The applicant's service record does not contain, and the applicant does not provide evidence he was awarded the Aircraft Crewman Badge. Additionally, the applicant's

service record is void of any orders placing him in a flying status either as a crewmember, a door gunner, or a non-crewmember.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
█	█	█	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Except for the corrections addressed in Administrative Note(s) below, the evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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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):

1. AR 635-5 (Separation Documents), in effect at the time, stated the DD Form 214 was to list all decorations, service medals, campaign credits, and badges awarded or authorized. Subsequent changes to the regulation required item 30 (Remarks) to list the dates of service in Vietnam.

2. The evidence of record indicates the applicant served in Vietnam, from 6 January 1966 to 22 December 1966.

3. DA Pamphlet (DA PAM) 672-3 (Unit Citation and Campaign Participation Credit Register) shows:

a. Department of the Army General Orders (DAGO) Number 20, dated 1967, awarded the Valorous Unit Award to the 1st Battalion, 27th Infantry Regiment, for the period January to April 1966.

b. DAGO Number 51, dated 1971, awarded the Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation to the 1st Battalion, 27th Infantry Regiment, for the period 1 January 1966 to 21 January 1970.

c. DAGO Number 8, dated 1974, awarded all units that served in Vietnam the Republic of Vietnam Gallantry Cross with Palm Unit Citation.

3. Based on the foregoing, amend the applicant's DD Form 214, ending 4 August 1967, as follows:

a. Item 24: add the Valorous Unit Award, the Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation, and the Republic of Vietnam Gallantry Cross with Palm Unit Citation.

b. Item 30: "Service in Vietnam from 6 January 1966 to 22 December 1966.

REFERENCES:

1. Title 10, USC, 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. AR 672-5-1, in effect at the time, prescribed policies and procedures for individual and unit military awards. The Aircraft Crewman Badge could be awarded on a temporary or permanent basis.

a. For temporary award, the commander of any Army unit that had assigned Army aircraft could publish orders authorizing the temporary wear of the Aircraft Crewman Badge; the Soldier had to be on flying status orders as either a crewmember or non-crewmember (such as Soldiers acting as door gunners).

b. For the award to be granted permanently, the Soldier had to have performed crewmember duties for not less than 12 months or be school trained. However, individuals who participated in at least 15 combat missions, under probable exposure to enemy fire while on orders and serving as a crewmember, could also be permanently authorized the Aircraft Crewman Badge.

3. U.S. Army, Vietnam (USARV) Regulation 672-1, in effect at the time prescribed policies and procedures for military awards. The regulation defined "Crewmember" as an individual on flying status performing duties in flight which were essential to the operation of the aircraft: pilot, co-pilot, aircraft TOE (Table of Organization and Equipment) or TD (Table of Distribution) crew chief, and gunners, as defined in paragraph 10 (Crewmember Flying Status) of AR 600-106 (Aeronautical Designations and Flying Status for Army Personnel).

4. AR 600-106 established policies and procedures for the award of aerial designations.

a. Under Section IV (Flying Status for Non-Aviator Personnel), the regulation defined crewmember flying status as involving the performance of duties in flight (crew complement) which were essential to the operation of the aircraft; this included the following positions: authorized TOE (Table of Organization and Equipment) or TDA (Table of Distribution and Allowances) enlisted crewmembers who occupied crew positions for helicopters and fixed-wing planes and enlisted door gunners who were engaged in actual combat.

b. Enlisted personnel occupying door gunner positions in a unit engaged in actual combat could be placed on flying status orders; commanders issuing those orders had to ensure they maintained control of the number of Soldiers authorized flying status so that the number did not exceed the positions approved by the Department of the Army.

//NOTHING FOLLOWS//