

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 April 2024

DOCKET NUMBER: AR20230009774

APPLICANT REQUESTS: the applicant, the daughter of the deceased former service member (FSM) requests -

- issuance of the Prisoner of War (POW) Medal
- Bronze Star Medal based on award of the Combat Infantryman Badge
- the World War II Victory Medal
- correction of the FSM's WD AGO Form 53-55 (Enlisted Record and Report of Separation – Honorable Discharge) to show these awards

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

- DD Form 149 (Application for Correction of Military Record)
- FSM's Death Certificate
- WD AGO Form 53-55
- reference for Award of the Bronze Star Medal Based on Award of the Combat Infantryman Badge.

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 the above awards were never issued to the FSM and his record was never corrected.
3. The FSM's records are not available to the Board for review. A fire destroyed approximately 18 million service members' records at the National Personnel Records Center in 1973. The Board believes that his records may have been lost or destroyed in that fire. However, there were sufficient documents remaining in a reconstructed record for the Board to conduct a fair and impartial review of this case.

4. The FSM's WD AGO Form 53-55 shows he was inducted into the Army of the United States on 22 September 1943, and he entered active service on 13 October 1943.

a. At the time of separation, he held military occupation specialty 566 (Duty Noncommissioned Officer).

b. His organization is listed as Company K, 351st Infantry. He departed the Continental United States (CONUS) on 18 March 1944, and he arrived in Africa on 28 March 1944. He departed Africa on 16 May 1945 and arrived in CONUS 2 June 1945.

c. He was honorably separated for the convenience of the Government on 27 October 1945. He completed 10 months of CONUS service and 1 year, 2 months, and 15 days of foreign service. His WD AGO Form 53-55 also shows in:

- Item 31 (Military Qualification Date (Infantry, Aviation, and Marksmanship Badges), the Combat Infantryman Badge
- Item 32 (Battles and Campaigns), Rome – Arno, N. Apennines, Po Valley, and Central Europe
- Item 33 (Decorations and Citations), the Good Conduct Medal, European-African-Middle Eastern (EAME) Campaign Medal, Army Service Lapel Button

5. A Request for Information, dated 20 March 1980 and a National Personnel Records Center Search and Reply, dated 31 March 1980 both confirm he was in a POW status from 24 September 1944 through 29 April 1945. Additionally, a printout from the National Archives confirms the FSM was captured 24 September 1944. He was housed at Stalag 7 Moosburg Bavaria (Work Camps 3324-46 Krumbachstrasse).

6. A DA Form 1577 (Authorization for Issuance of Awards) shows the FSM was issued the POW Medal on 20 March 1989.

BOARD DISCUSSION:

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

a. A Request for Information, dated 20 March 1980 and a National Personnel Records Center Search and Reply, dated 31 March 1980 both confirm the FSM was in a POW status from 24 September 1944 to 29 April 1945. Additionally, a printout from the National Archives confirms the FSM was captured 24 September 1944. He was

housed at Stalag 7 Moosburg Bavaria. As a result, the FSM should be awarded a POW Medal and his WD AGO Form 53-55 should be corrected to reflect his POW status.

b. The FSM is eligible for award of the World War II Victory Medal. The FSM is also eligible for award of the Bronze Star Medal based on his award of the Combat Infantryman Badge.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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:	:	:	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, in addition to the corrections addressed in Administrative Note(s) below, by:

- awarding the FSM the Bronze Star Medal for service from 28 March 1944 to 16 May 1945 during World War II
- awarding the FSM the Prisoner of War Medal (from 24 September 1944 through 29 April 1945)
- adding award of the Bronze Star Medal and Prisoner of War Medal to his WD AGO Form 53-55

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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): amend the FSM's WD AGO Form 53-55, ending 27 October 1945 -

a. block 33 (Decorations and Citations) add the -World War II Victory Medal and 4 bronze service stars to be affixed to his already awarded European-African-Middle Eastern Campaign Medal.

b. block 55 (Remarks), add the entry, "PRISONER OF WAR, Company K, 351st Infantry, Germany, 24 September 1944 to 29 April 1945.

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 600-8-22 (Military Awards) states:

a. The POW Medal was authorized on 8 November 1985 for any person who, while serving in any capacity with the U.S. Armed Forces, was taken prisoner and held captive after 5 April 1917. The POW Medal is to be issued to U.S. military personnel who were taken prisoner and held captive while engaged in an action against an enemy of the United States or while engaged in military operations involving conflict with an opposing foreign force.

b. The World War II Victory Medal is awarded for service between 7 December 1941 and 31 December 1946, both dates inclusive.

c. A bronze service star awarded based on qualifying service for each campaign listed in appendix B of this regulation. This regulation authorizes bronze service stars to be worn on the appropriate campaign or service medal including the European-African-Middle Eastern Campaign Medal Campaign Medal. He is authorized four bronze service stars to be worn on the European-African-Middle Eastern Campaign Medal Campaign Medal to represent the campaigns in which he participated.

d. Army Regulation 600-8-22 also states the Bronze Star Medal is awarded for heroism and for meritorious achievement or service in military operations against an armed enemy. The Bronze Star Medal is authorized for each individual who was cited in orders or awarded a certificate for exemplary conduct in ground combat between

7 December 1941 and 2 September 1945 or whose achievement or service, during that period, was confirmed by documents executed prior to 1 July 1947. An award of the Combat Infantryman Badge or the Combat Medical Badge is considered to be a citation in orders. Therefore, the Bronze Star Medal is to be awarded to individuals who were authorized either badge for service during World War II.

3. Army Regulation 635-5 (Separations Documents) establishes the standardized policy for preparing and distributing discharge documents. In pertinent part, it directs that, for a Soldier with POW documentation, enter "PRISONER OF WAR, (unit of assignment/country) (date of capture and release date)" in the Remarks section.

4. Army personnel or Veteran's requests for the issuance or replacement of military service medals, decorations, awards, badges, and corresponding accouterments should be directed to the National Personnel Records Center (NPRC). The NPRC will verify the awards to which a veteran is entitled and forward the request with the verification to the appropriate service department for issuance of the medals. Written requests with appropriate supporting evidence may be addressed to the National Personnel Records Center, 9700 Page Avenue, St. Louis, MO 63132-5100. Once verified, the replacement medals and devices are shipped to the veteran by the U.S. Army Tank Automotive and Armaments Command, Clothing and Heraldry (PSID), Post Office Box 57997, Philadelphia, PA 19111. Therefore, issuance of medals or badges will not be discussed further in this Record of Proceedings.

//NOTHING FOLLOWS//