

IN THE CASE OF: ██████████

BOARD DATE: 18 April 2024

DOCKET NUMBER: AR20230009820

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show the Bronze Star Medal with oak leaf cluster.

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

- DD Form 149 (Application for Correction of Military Record)
- General Orders Number 06977, dated 22 June 1971 (Bronze Star Medal) with certificate
- DD Form 214, for the period ending 19 July 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 he was awarded the Bronze Star Medal with Oak Leaf Cluster and would like it to be added to his DD Form 214.
3. A review of the applicant's available service records shows:
 - a. On 9 September 1969, the applicant was inducted into the Army of the United States.
 - b. His DA Form 20 (Enlisted Qualification Record) shows in:
 - item 31 (Foreign Service) – service in Vietnam from 19 July 1970 to 18 July 1971
 - item 38 (Record of Assignments) – in Vietnam, he was assigned to Headquarters and Headquarters Company, 1st Battalion (Mechanized) 52nd Infantry, 198th Brigade
 - item 41 (Awards and Decorations) –

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960
- two overseas bars
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Sharpshooter Marksmanship Qualification Badge with Mortar Bar (M-14)

c. The applicant provides General Orders Number 06977, dated 22 June 1971, which shows he was awarded the Bronze Star Medal.

4. On 19 July 1971, he was honorably released from active duty. His DD Form 214 shows he completed 1 year, 10 months, and 11 days of active service. It also shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal
- Army Commendation Medal
- two Overseas Service Bars
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)

5. The applicant's records are void of official documents and/or orders that show he was awarded the Bronze Star Medal with oak leaf cluster.

6. By regulation, an oak leaf cluster is issued to denote award of second and succeeding awards of medals.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found partial relief is warranted.

2. The Board found no evidence indicating the applicant was twice awarded the Bronze Star Medal. The evidence does confirm he received one award of the Bronze Star Medal, which the Board determined should be added to his DD Form 214.

3. The Board also 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:

1. 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:

- Awarding him the Army Good Conduct Medal (1st Award) for the period 9 September 1969 through 19 July 1971
- Adding the Bronze Star Medal and the Army Good Conduct Medal (1st Award) to his DD Form 214
- Making the corrections described in Administrative Note(s) below

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 a second award of the Bronze Star Medal.

9/3/2024

X

CHAIRPERSON

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 is authorized decorations that were not recorded on his DD Form 214. Please correct the DD Form 214 by adding the following:

- Two bronze service stars with the Vietnam Service Medal
- 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 600-8-22 (Military Awards) provides policy, criteria, and administrative instructions concerning individual military decorations, Army Good Conduct Medal, service medals, and ribbons. Paragraph 3-14 (Bronze Star Medal) The BSM is awarded to any person who, while serving in any capacity in or with the Army of the United States 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 United States is not a belligerent part. The oak leaf cluster is issued to denote award of second and succeeding awards of decorations.
3. Army Regulation 672-5-1 (Awards), in effect at the time, stated the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940; for 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.

//NOTHING FOLLOWS//