

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 April 2024

DOCKET NUMBER: AR20230009871

APPLICANT REQUESTS:

a. Correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 8 February 1971, item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized to show the following awards:

- Bronze Star Medal (BSM)
- Army Commendation Medal (ARCOM)
- Air Medal (AM)

b. To receive the citations for the above awards.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record), 8 February 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, he received several medals, to include the BSM, the ARCOM and the AM, but they were not recorded on his DD Form 214. He was awarded these medals 40 years ago, he feels he deserves his records to show these awards, and he also wants the citations for those awards.
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.
4. The Board will consider the applicant's requests for the BSM, ARCOM, and AM; and as a separate issue, the Board will consider the award of the Army Good Conduct

Medal (First Award) (AGCM) for his service during the period 16 February 1968 to 8 February 1971.

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

a. DD Form 4 (Enlistment Contract) shows on 16 February 1968, he enlisted in the Regular Army for a period of 3 years.

b. Special Orders Number 95, dated 4 April 1968, issued by Headquarters (HQ), U.S. Army Training Center, Infantry Fort Dix, awarded him the Expert Marksmanship Qualification Badge with Rifle Bar (M-14).

c. Special Orders Number 204, dated 15 October 1968, issued by HQ, Irwin Army Hospital, Fort Riley, awarded him the Marksman Marksmanship Qualification Badge with Rifle Bar (M-16).

d. On 19 December 1968 he deployed to Vietnam for his first tour.

e. During this deployment, he participated in four campaigns, and he was assigned to:

- 247th Helicopter Airmobile from 12 August 1968 to 30 March 1969
- 57th Medical Detachment from 1 April 1969 to 12 July 1969
- 45th Medical Detachment from 13 July 1969 to 16 December 1969, a time during which this unit was awarded the Meritorious Unit Commendation

f. His records contain an AM Citation, showing the AM was presented to him for meritorious achievement while participating in sustained aerial flight in support of ground of forces in the Republic of Vietnam for 1 May 1969 to 22 June 1969.

g. On 18 December 1969, he returned to the Continental United States from Vietnam and subsequently, he redeployed to Vietnam on 3 July 1970 for a second tour.

h. During this deployment, he participated in two campaigns, he was assigned to 166th Aviation Maintenance Detachment from 7 July 1970 to 6 February 1971, a time during which this unit was awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation and the Republic of Vietnam Civil Actions Honor Medal with First Class Citation.

i. On 8 February 1971, he returned from Vietnam to the Continental United States.

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

(1) Item 31 (Foreign Service) – he served two tours in Vietnam:

- 19 December 1968 to 18 December 1969
- 3 July 1970 to 8 February 1971

(2) Item 33 (Appointments and Reductions) – one reduction to private first class/E-4 from specialist 4/E-4 on 18 June 1969 as the result of nonjudicial punishment (NJP); otherwise, he was subsequently promoted to SPC4/E-4 on 13 October 1969.

(3) Item 38 (Record of Assignments) – he received all "excellent" conduct and efficiency ratings, with the exception of one "good" conduct and efficiency rating while assigned to 57th Medical Detachment while in Vietnam.

(4) Item 41 (Awards and Decorations), he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16) and Pistol Bar (.38 caliber)

(5) Item 44 (Time Lost Under Section 972, Title 10, U.S.C. and Subsequent to Normal ETS) – none.

k. His DD Form 214 shows he was honorably released from active duty and transferred to the control of the USAR Control Group (Reinforcement) on 8 February 1968. He completed 2 years, 11 months, and 23 days of net service this period, with 1 year, 6 months and 28 days in USARPAC. This document also shows in:

(1) Item 24, he was authorized the following awards:

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

(2) Item 26 (Non-pay Periods Time Lost) – none.

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

5. His records show one instance of NJP which is available for Board review.

6. His records are void of orders awarding him the BSM, ARCOM, AM, and AGCM (First Award) for the period 16 February 1968 to 8 February 1971.

7. 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, ARCOM, AM, and 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 that partial relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined there is sufficient evidence to show the applicant's Army Achievement Medal for meritorious achievement while participating in sustained aerial flight in support of ground of forces in the Republic of Vietnam for 1 May 1969 to 22 June 1969 was omitted from his DD Form 214 for the period ending 8 February 1968.

2. During deliberation, the Board determined the applicant service record did not reflect he was awarded the Army Good Conduct Medal (1st Award) and his record shows he received "excellent" conduct and efficiency ratings throughout his service for the period of 16 February 1968 to 8 February 1971. However, the Board agreed the applicant's record is absent sufficient evidence showing any recommendations or orders awarding the Bronze Star Medal (BSM) or the Army Commendation Medal (ARCOM). The Board concluded the burden of proof rests with the individual concerned to provide evidence of a clear and convincing nature with documentation to support the applicant's request for the award. As such, the Board granted partial relief to award the Army Achievement Medal and the Army Good Conduct Medal.

3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

█ █ █ GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the administrative notes annotated by the Analyst of Record (below the signature), 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 Achievement Medal (AAM) and the Army Good Conduct Medal (1st Award) for exemplary service from 16 February 1968 to 8 February 1971 and adding the medal to his DD Form 214 for the period ending 8 February 1971.

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 award of the Bronze Start Medal and the Army Commendation Medal.

5/6/2024

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's records contain sufficient evidence to support additional awards not shown on his DD Form 214 and should be administratively corrected without Board action to show award of the:

- One silver service star and two bronze service stars to his previously-issued Vietnam Service Medal
- Meritorious Unit Commendation
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16) and Pistol Bar (.38 caliber)

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 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.

(4) Award may be made to each service member of the Army, who after 6 December 1941, has been cited in orders or awarded a certificate for exemplary conduct in ground combat against an armed enemy between 7 December 1941 and 2 September 1947.

b. The Army Commendation Medal is awarded to any service member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. Award may be made to a member of the armed forces of a friendly foreign nation who, after 1 June 1962, distinguishes himself or herself by an act of heroism, extraordinary achievement, or meritorious service, which has been of mutual benefit to a friendly nation and the United States. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

c. 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.

d. 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. U.S. Army Vietnam Regulation 672-5-1 (Decorations and Awards) provided guidelines for award of the Air Medal and defined terms and provided guidelines for the award based upon the number and types of missions or hours.

a. 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.

(1) 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.

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

(3) 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. Numerals, starting with 2, will be used to denote second and subsequent awards of the AM.

d. 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.

5. 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.

6. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register (January 1960 – February 1986)), in effect at the time, shows:

- 45th Medical Detachment was awarded Meritorious Unit Commendation by Department of the Army General Orders (DAGO) Number 50, 1971, for the period 1 September 1968 to 15 August 1969
- 166th Maintenance Detachment was awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation by DAGO Number 6, 1974, for the period 1 October 1970 to 31 August 1972 and Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation by DAGO Number 32, 1973 for the period 1 January 1971 to 31 December 1971

//NOTHING FOLLOWS//