

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 April 2024

DOCKET NUMBER: AR20230010017

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

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

- DD Form 149 (Application for Correction of Military Record), 20 June 2023
- DA Form 4980- (Bronze Star Medal Certificate), 16 June 1971
- BSM Citation, 16 June 1971
- DD Form 214, 16 June 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, the BSM was awarded on 16 June 1971, the same date he was released from active duty but it was not added to his DD Form 214.
3. The applicant provided a color copy of a BSM Certificate showing the medal was awarded to him for meritorious achievement in ground operations against hostile forces in the Republic of Vietnam for the period August 1970 to June 1971.
4. 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 16 June 1971, and will be listed in administrative notes.
5. The Board will consider the applicant's request for the BSM.
6. A review of the applicant's service records shows:

a. A DD Form 4 (Enlistment Agreement -- Armed Forces of the United States) is not contained in his records, however, his records contain a DA Form 20 (Enlisted Qualification Record) showing:

- on 1 August 1968, he enlisted in the Regular Army for 3 years
- he completed Basic Combat Training, he completed Advanced Individual Training, and he was awarded military occupational specialty 11C (Indirect Fire Crewman)
- he was awarded or authorized:
  - National Defense Service Medal
  - Expert Marksmanship Qualification Badge with Mortar Bar
  - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

b. On 18 September 1969, he was honorably discharged in order to accept a Reserve commission as a unit infantry commander. The DD Form 214 for his period of enlisted service is not contained in the available records.

c. His DA Form 66 (Officer Qualification Record) shows:

- his Vietnam service dates of 30 July 1970 to 11 June 1971
- his enlisted service dates of 1 August 1968 to 18 September 1969
- he was assigned to Civil Operations and Rural Development Support, II Corps, and Military Region 2, U.S. Military Assistance Command, Vietnam
- awards and decorations
  - National Defense Service Medal
  - Army Good Conduct Medal (First Award) (1 August 1968 to 18 September 1969) (General Order Number 66, Headquarters, U.S. Army Infantry School, Fort Benning, 5 August 1969)
  - Vietnam Service Medal
  - Republic of Vietnam Campaign Medal with Device (1960)
  - Combat Infantryman Badge
  - Sharpshooter Marksmanship Qualification Badge with Pistol Bar (.45 caliber)

d. On 16 June 1971, he was honorably relieved from active duty and transferred to control of the U.S. Army Reserve Control Group (Reinforcement). His DD Form 214 for this period shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal

- Republic of Vietnam Campaign Medal with Device (1960)
- Combat Infantryman Badge

7. His records are void of General Orders awarding him the BSM.

8. 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 pertaining to the applicant.

9. The applicant is entitled to additional awards not listed on his DD Form 214 and will be administratively corrected in the "Administrative Notes" section of this document, without the need for the Board's review.

#### BOARD DISCUSSION:

1. 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.

2. The applicant provided a color copy of a Certificate for Award of the Bronze Star Medal, which was awarded for meritorious achievement in ground operations against hostile forces in the Republic of Vietnam for the period August 1970 to June 1971. The Bronze Star Medal was not an unusual end of tour award for Soldiers serving in Vietnam. The Board determined the applicant's certificate of award was sufficient to justify correcting his DD Form 214 to add this award.



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.

b. The Vietnam Service Medal was awarded to all service members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through 28 March 1973. Qualifying service included attachment to or assignment for 1 or more days with an organization participating in or directly supporting military operations.

c. One bronze service star is authorized with the Vietnam Service Medal for each campaign during which a member was assigned or attached to and present for duty with a unit during the period in which it participated in combat or was under orders in the combat zone and served at a normal post of duty. One silver service star is used to denote service during five campaigns.

4. Army Regulation 635-5 (Separations Documents), in effect at the time, prescribed the separation documents that would be furnished each individual who is separated from the Army. It 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, and orders.

a. A DD Form 214 would be furnished at the time of separation to each member of the Regular Army.

b. In item 24 (Decorations, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized), enter from DA Form 20 all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

5. DA PAM 672-3 (Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register (January 1960 – February 1986))), provides, Department of the Army General Orders (DAGO) 8, 1974, announced award of the RVN Gallantry Cross Unit Citation with Palm for service in Vietnam to the following units: Headquarters, United States Military Assistance Command and its subordinate units during the period 8 February 1962 to 2 March 1973.

//NOTHING FOLLOWS//