

IN THE CASE OF: ██████████

BOARD DATE: 18 April 2024

DOCKET NUMBER: AR20230010184

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 and service in Vietnam from 1968 to 1969.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record).

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. Review of the applicant's service record shows:
 - a. He was inducted into the Army of the United States on 7 September 1967.
 - b. Item 31 (Foreign Service) of his DA Form 20 (Enlisted Qualification Record) shows that he was assigned to United States Army Pacific (USARPAC) – Vietnam from 26 February 1968 to 25 February 1969.
 - c. Item 38 (Record of Assignments) of his DA Form 20 shows he was assigned to Company D, 1st Battalion, 18th Infantry Regiment, 1st Infantry Division.
 - d. Item 41 (Awards and Decorations) of his DA Form 20 shows he was awarded the National Defense Service Medal, Vietnam Service Medal, and Combat Infantryman Badge. It does not show award of the Bronze Star Medal.
 - e. On 5 September 1969 he was released from active duty and transferred to the United States Army Reserve (USAR) with an honorable characterization of service. His DD Form 214 shows he completed 2 years of active service. It also shows in Item 22c (Foreign and/or Sea Service) that he completed one year of service in the Republic of

Vietnam. Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) shows:

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal
- Combat Infantryman Badge
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16) (M-14)

3. His record is void of any records showing award of the Bronze Star Medal.

5. On 1 October 2022, the applicant was issued a DD Form 215 (Correction to DD Form 214) that added the following entries:

a. Awards of the Vietnam Service Medal with four bronze service stars, Meritorious Unit Commendation, Republic of Vietnam Gallantry Cross with Palm Unit Citation, and Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation.

b. Service in Vietnam from 26 February 1968 to 25 February 1969.

6. By regulation, the Bronze Star Medal may be awarded for heroism or for meritorious achievement or service which did not involve aerial flight but which was performed in connection with military operations against an armed enemy including combat, support, and supply operations. Like all personal decorations, award of the Bronze Star Medal requires a formal recommendation, approval through the chain of command, and announcement in orders.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.

2. A portion of the relief he seeks has already been completed, i.e., adding his Vietnam service to his DD Form 214.

3. Regarding the Bronze Star Medal, the Board found no evidence indicating he was recommended for the award or that the award was approved by a proper authority and announced in general orders. In the absence of documentation indicating the applicant was awarded the Bronze Star Medal, the Board determined there is no basis for adding the medal to his DD Form 214.

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:

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.

9/3/2024

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CHAIRPERSON

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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.

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 (AR) 15-185 (ABCMR) 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, which is that what the Army did was correct.

3. AR 635-5 (Separation Documents) states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

4. U. S. Army Vietnam Regulation 672-1 (Decorations and Awards) governed the military awards program in Vietnam during the Vietnam War. It stated the Bronze Star Medal may have been awarded for heroism or for meritorious achievement or service which did not involve aerial flight but which was performed in connection with military operations against an armed enemy including combat, support, and supply operations. The approval authority for award of the Bronze Star Medal was generally delegated no lower than brigadier generals in command of separate brigades. However, the records of the Awards Branch of the U.S. Army Human Resources Command show that authority for award of the Bronze Star Medal for service had been delegated to colonels in command of the U.S. Army Support Commands located at Saigon, Cam Ranh Bay, and Qui Nhon and in command of separate engineer brigades in Vietnam assigned to the U.S. Army Engineer Troops (Provisional).

//NOTHING FOLLOWS//