

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 April 2024

DOCKET NUMBER: AR20230002028

APPLICANT REQUESTS: the son of a deceased former service member (FSM) requests the addition of an already awarded Bronze Star Medal to his father's War Department Adjutant General's Office (WD AGO) Form 53-55 (Enlisted Record and Report of Separation – Honorable Discharge).

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

- DD Form 149 (Application for Correction of Military Record)
- Standard Form 180 (Request Pertaining to Military Records)
- WD AGO Records Administration Center memorandum
- Letter to U.S. Representative
- FSM's death certificate

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). 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 is asking the Board to add the Bronze Star Medal to his father's WD AGO 53-55, citing a 6 April 1948 memorandum from the War Department; the applicant provides a copy of the memorandum for the Board's review.

a. The memorandum announces the award of the Bronze Star Medal based on the FSM's "exemplary conduct in ground combat against the armed enemy" while the FSM served with the 30th Infantry Regiment in the Rhineland Campaign (the Rhineland Campaign occurred from 15 September 1944 to 21 March 1945).

b. The memorandum goes on to state, "Authority for this award is contained in Par. (paragraph) 15.1e (Bronze Star Medal), AR (Army Regulation) 600-45 (Decorations)

and is based upon Special Orders 140, Headquarters, 30th Infantry, dated 15 October 1944."

c. The Army added paragraph 15.1e in a September 1947 change to AR 600-45; that change stated, "members of the Armed Forces of the United States, (who) were cited by name on or after 7 December 1941 and prior to 3 September 1945, in orders or in a formal certificate, for meritorious or exemplary conduct in ground combat against the armed enemy, may make application to The Adjutant General, Washington 25, D.C., for award of the Bronze Star Medal on the basis of such citation. A citation in orders for the Combat Infantryman Badge or Medical Badge awarded in the field during the period of actual combat against the armed enemy is considered as a citation for exemplary conduct in ground combat. These citations in orders during the period 7 December 1941 through 2 September 1945 were not automatic but were based upon recommendations of unit commanders thoroughly familiar with the achievement of the individuals cited and after a careful evaluation of their work."

3. A fire at the National Personnel Records Center (NPRC) in St. Louis, MO destroyed approximately 18 million service members' records in 1973; the fire affected Army personnel records dated between November 1912 and January 1960. It is believed that most of the FSM's records were destroyed in that fire, and the only service records NPRC could find were the FSM's WD AGO Form 100 (Separation Qualification Record), his WD AGO Form 729 (Army of the United States Honorable Discharge Certificate), and the aforementioned 6 April 1948 memorandum from the Adjutant General's Office. The FSM's WD AGO Form 53-55 is no longer available, but the available documents offer sufficient information to address the applicant's request.

4. The FSM's WD AGO Form 100 shows he entered active duty on 17 January 1944, and, for 8 months, he served as a clerk in a Service Command Unit within the American Theater of Operations. In or around September/October 1944, the FSM transferred to the European Theater and served for another 8 months as a rifleman in Company L, 30th Infantry Regiment, 3rd Infantry Division. On 26 April 1946, the Army of the United States honorably discharged the FSM.

BOARD DISCUSSION:

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

2. Although the available records do not include the form on which the FSM's authorized awards would have been listed, the Board determined it would be appropriate to correct the record by adding an appropriate document confirming the

FSM was awarded the Bronze Star Medal as evidenced in the War Department Adjutant General's Office letter dated 6 April 1948.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	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 by issuing an appropriate document confirming he was awarded the Bronze Star Medal as evidenced in the War Department Adjutant General's Office letter dated 6 April 1948.

8/27/2024

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.

REFERENCES:

1. Title 10, USC, 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. War Department Technical Manual (TM) 12-236 (Preparation of Separation Forms), in effect at the time, prescribed procedures for the completion of WD AGO Form 53-55. When entering information on the form, preparers were to refer to the Soldier's service record (WD AGO Form 24) and the qualification card (WD AGO Form 20). The TM additionally stated item 33 was to list decorations or citations, along with the authority for each; authorities for service medals did not need to be included.

3. AR 15-185 (ABCMR), currently in effect, states:

a. The ABCMR decides cases on the evidence of record; it is not an investigative body. Additionally, the ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).

b. The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

//NOTHING FOLLOWS//