

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 January 2025

DOCKET NUMBER: AR20230011212

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show the number of Air Medals he earned.

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

- DD Form 149 (Application for Correction of Military Record)
- "Your Military Award Authorization Report" by The American War Library
- "Units Involved in The Battle for Firebase Ripcord"
- "Helicopter Units Involved in Lam Son 719"
- Extract from DA Form 20 (Enlisted Qualification 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. The applicant states, in effect, he was a helicopter repairman and door gunner during the Vietnam War, and he participated in two major operations for which he did not receive any Air Medals.
  - a. The applicant believes he earned Air Medals for the Battle of Firebase Ripcord and Operation Lam Son 719, but he acknowledges that it would be almost impossible to recall the number of combat flight hours he completed.
  - b. The applicant states, "Unfortunately, records were not kept very well and, at the time, awards were not given that were earned due to political issues at the time of the Vietnam War." The applicant adds that "it is not right that so many Vietnam Vets earned awards that they were never given due to the need of the government not to show awards being given."
  - c. In support of his request, the applicant provides an extract from his

DA Form 20 and a report from The American War Library. The American War Library report shows "P – Confirm your eligibility with documentation...Air Medal (No record found as of this date; Svc (service) may warrant AM (Air Medal))." The applicant additionally submits two documents reflecting the units that participated in the Battle for Firebase Ripcord and Operation Lam Son 719.

3. A review of the applicant's service record shows the following:

- a. On 1 November 1968, after obtaining his parents' permission, the applicant enlisted into the Regular Army for 3 years. Upon completion of initial training and the award of military occupational specialty 67N (UH-1 Helicopter Repairman), orders assigned him to an aviation unit at Fort Stewart, GA (now renamed Fort Eisenhower); he arrived at his new duty station, on 21 April 1969.
- b. In or around November/December 1969, the applicant received reassignment instructions for Vietnam. He arrived in country, on 28 January 1970, and, effective on or about 13 February 1970, orders further assigned him to the 388th Transportation Detachment, 101st Airborne Division (Airmobile).
- c. On 24 August 1970, the applicant transferred to Headquarters and Headquarters Company, 3rd Brigade, 101st Airborne Division (Airmobile). On 3 October 1970, Headquarters, 101st Airborne Division (Airmobile) approved the applicant's request to extend his Vietnam tour.
- d. On 7 November 1970, General Orders (GO) awarded the applicant the Bronze Star Medal for meritorious service, from 1 February to 31 October 1970. On 9 December 1970, the applicant accepted nonjudicial punishment (NJP), under the provisions of Article 15, Uniform Code of Military Justice (UCMJ), for disrespect toward his commanding officer and using disrespectful language toward a noncommissioned officer.
- e. On 30 December 1970, GO awarded the applicant the Army Commendation Medal for meritorious achievement, during the period 1 July to 30 November 1970. Orders subsequently transferred him to the 4th Battalion, 77th Artillery Regiment, and he arrived, on 3 March 1971.
- f. On 5 April 1971, the applicant accepted NJP for disobeying his commander's order; punishment consisted of a suspended forfeiture, but, on 18 April 1971, the imposing commander vacated the suspension; the applicant's available service record does not offer a reason for the commander's action.
- g. On 20 April 1971, GO awarded the applicant the Bronze Star Medal (2nd Award) for meritorious service, during the period June 1970 to April 1971. On 13 June 1971,

and consistent with the applicant's plea, a special court-martial found the applicant guilty of violating a lawful general regulation by carrying a fragmentation hand grenade while not engaged in a tactical mission. The court sentenced the applicant 3-months' confinement, forfeiture of \$100 per month for 3 months, and reduction to private (PV1)/E-1; the court immediately remanded the applicant to confinement. On 16 June 1971, the special court-martial convening authority approved the sentence and ordered its execution.

h. In or around July 1971, orders transferred the applicant to the U.S. Army Correctional Training Facility at Fort Riley, KS. On 16 August 1971, a special court-martial order suspended the unexecuted portions of the applicant's sentence. On 5 November 1971, the Army honorably released the applicant from active duty, per an early release policy, and transferred him to the U.S. Army Reserve. His DD Form 214 shows he completed 2 years, 9 months, and 25 days of his 3-year enlistment contract. Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) lists the following:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Bronze Star Medal (1st Award)
- Army Commendation Medal (1st Award)
- Two overseas service bars
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

i. The applicant's available service record is void of GO for the award of the Air Medal; in addition, item 41 (Awards and Decorations) of his DA Form 20 does not show an Air Medal.

j. A review of the Awards and Decorations Computer-Assisted Retrieval System, an index of GOs issued during the Vietnam era between 1965 and 1973 and maintained by the U.S. Army Human Resources Command Military Awards Branch, failed to reveal any GO awarding the applicant the Air Medal.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted.
2. The Board carefully considered the applicant's contentions, his record of service to include service in Vietnam, the awards and decorations in the records and the absence of general orders for an Air Medal in the Human Resources Command orders system. The Board considered the applicable regulations and the required information to support

award of an Air Medal. The Board did not find, and the applicant did not provide sufficient evidence to meet the criteria for award of an Air Medal. Based on a preponderance of evidence, the Board determined the absence of an Air Medal in his records was not in error or unjust. The Board concurs with the corrections stated in the Administrative Notes below.

BOARD VOTE:

Mbr 1    Mbr 2    Mbr 3

:        :        :        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, except for the corrections stated in the Administrative Notes that follow, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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):

1. The applicant served in Vietnam, from 28 January 1970 to 20 June 1971; his service qualifies him for three bronze service stars. Additionally, General Orders awarded the applicant the Bronze Star Medal (2nd Award).

2. While in Vietnam, the applicant served in units that received the following awards:

a. Applicant served in the 388th Transportation Detachment, from on or about 13 February to on or about 23 August 1970. Department of the Army General Orders (DAGO) Number 48, dated 1971, awarded this unit the Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation, for the period 25 March 1969 to 2 May 1970.

b. Applicant served in the 4th Battalion, 77th Artillery, from 3 March to 20 June 1971; DAGO Number 13, dated 1974, awarded this unit the Valorous Unit Award, for the period 8 February to 8 April 1971.

c. DAGO Number 8, dated 1974, awarded all units serving in Vietnam the Republic of Vietnam Gallantry Cross with Palm Unit Citation.

3. Based on the foregoing, amend the applicant's DD Form 214, ending 5 November 1971, by deleting the Vietnam Service Medal and Bronze Star Medal and adding the following awards:

- Bronze Star Medal (2nd Award)
- Vietnam Service Medal with three bronze service stars
- Valorous Unit Award
- Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation
- 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 (AR) 600-8-22 (Military Awards), currently in effect, prescribes policies and procedures for military awards. In paragraph 3-18 (Air Medal), the regulation states the Air Medal may be awarded to any person who, while serving in any capacity in or with the Armed Forces of the United States, has distinguished themselves by meritorious achievement while participating in aerial flight.

a. Awards may be made to recognize single acts of valor, merit, or heroism or for meritorious service as described below:

(1) Awards may be made for acts of heroism 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, which are of a lesser degree than required for award of the Distinguished Flying Cross.

(2) Awards may be made for a single act of meritorious achievement, involving superior airmanship, which are of a lesser degree than required for award of the Distinguished Flying Cross, but nevertheless were accomplished with distinction beyond that normally expected.

(3) Awards for meritorious service may be made for sustained distinction in the performance of duties involving regular and frequent participation in aerial flight for a period of at least 6 consecutive months (a month is considered 30 calendar days). In this regard, accumulation of a specified number of hours and missions will not serve as the basis for award of the Air Medal.

b. Award of the Air Medal is primarily intended to recognize those personnel who are on current crewmember or non-crewmember flying status which requires them to participate in aerial flight on a regular and frequent basis in the performance of their primary duties. However, it may also be awarded to certain other individuals whose combat duties require regular and frequent flying in other than a passenger status or individuals who perform a particularly noteworthy act while performing the function of a crewmember, but who are not on flying status as prescribed in AR 600 106 (Flying Status for Non-Rated Army Aviation Personnel).

(1) These individuals must make a discernible contribution to the operational land combat mission or to the mission of the aircraft in flight. Examples of personnel whose combat duties require them to fly include those in the attack elements of units involved in air-land assaults against an armed enemy and those directly involved in airborne command and control of combat operations. Involvement in such activities, normally at the brigade or group level and below, serves only to establish eligibility for award of the Air Medal.

(2) The degree of heroism, meritorious achievement, or exemplary service determines who should receive the award. Awards will not be made to individuals who use air transportation solely for the purpose of moving from point to point in a combat zone.

c. Numerals, starting with "2," will be used to denote second and subsequent awards of the Air Medal.

3. U.S. Army, Vietnam (USARV) Regulation 672-1 (Decorations and Awards), in effect at the time, provided specific guidelines for award of the Air Medal in Appendix IV (Award of the Air Medal).

a. The regulation also established three categories for aerial missions:

- Category I – An assault role in which a hostile force was engaged and was characterized by delivery of ordnance against a hostile force, or delivery of supplies into the immediate combat operations area
- Category II – A mission in support of a friendly force immediately before, during, or immediately following a combat operation; examples included air land or parachute resupply not connected to a combat assault and troop lift in support of combat operations not connected to a combat assault
- Category III – A mission supporting friendly forces that was not connected to an immediate combat operation, but which required the aircraft to operate at altitudes that made the aircraft vulnerable to small arms fire or during adverse weather or terrain conditions

b. To receive the Air Medal based on participation in sustained operations, the prospective awardee had to have completed a specific number of missions and hours of flight time; the regulation provided examples as to how flights recorded on DA Forms 759 (Individual Flight Record and Flight Certificate – Army (Part I)) and 759-1 (Individual Flight Record and Flight Certificate – Army (Part II)) could be used to determine the types and numbers of missions, as well as the total flight hours by category:

- 25 Category I missions with a minimum of 25 hours of flight time
- 50 Category II missions with at least 50 hours of flight time
- 100 Category III missions with not less than 100 hours of flight time

c. The individual's accomplishments and service for the entire group of missions must have reflected meritorious performance throughout, with no instances of nonprofessionalism, mediocrity, or failures or display an offensive spirit.

(1) The Soldier could not have caused, either directly or indirectly, an aircraft abort, late take-off, accident, or incident.

(2) The Soldier had to have continuously demonstrated a high degree of air discipline.

4. AR 15-185 (Army Board for Correction of Military Records (ABCMR), currently in effect, states:

a. Paragraph 2-2 (ABCMR Functions). The ABCMR decides cases on the evidence of record; it is not an investigative body.

b Paragraph 2-9 (Burden of Proof) states:

(1) 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).

(2) 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//