

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 May 2024

DOCKET NUMBER: AR20230011303

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 22 May 1972 to show award of two Bronze Star Medals.

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- Headquarters, 101st Airborne Division (Airmobile), Vietnam, General Orders Number 11687, 2 December 1971 (two copies)
- Bronze Star Medal Certificate, 2 December 1971, with Citation

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 he received two Bronze Star Medals, one of which he has orders for, and neither is recorded on his DD Form 214.
3. Headquarters, 101st Airborne Division (Airmobile), Vietnam, General Orders Number 11687, 2 December 1971, awarded him the Bronze Star Medal for meritorious service in the Republic of Vietnam during the period January 1971 to December 1971.
4. The Bronze Star Medal Certificate, 2 December 1971, with Citation shows he was awarded the Bronze Star Medal for meritorious achievement in the Republic of Vietnam during the period January 1971 through December 1971. The certificate does not contain the general orders number.
5. His military records do not contain general orders for a second Bronze Star Medal.

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

- item 31 (Foreign Service) – overseas tour credit for service in Vietnam from 25 January 1971 through 7 December 1971
- item 38 (Record of Assignments) – Headquarters and Headquarters Company, 3d Battalion, 187th Infantry Regiment, Vietnam, as a clerk-typist from 5 February 1971 through 3 December 1971
- item 41 (Awards and Decorations) – no awards of the Bronze Star Medal

7. He was honorably released from active duty on 22 May 1972 and transferred to the U.S. Army Reserve Control Group (Annual Training). He completed 2 years, 6 months, and 3 days of total active service, including 10 months and 13 days of foreign and/or sea service. Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) of his DD Form 214 does not show award of the Bronze Star Medal.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board found that partial relief was warranted. The applicant's contentions, his military records, and regulatory guidance were carefully considered. The applicant served in Vietnam from 25 January 1971 to 7 December 1971. The applicant was issued General Orders by Headquarters, 101st Airborne Division on 2 December 1971, that awarded him the Bronze Star Medal for meritorious service in the Republic of Vietnam during the period January 1971 to December 1971. There is no evidence he was recommended for or awarded a second award of the Bronze Star Medal.

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:

1. 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 adding the Bronze Star Medal to his DD Form 214.

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 adding a second award of the Bronze Star Medal.

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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 600-8-22 (Military Awards) prescribes policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The Bronze Star Medal is awarded to any person who, while serving in any capacity in or with the Armed Forces of the United States or a friendly foreign nation after 6 December 1941, distinguished himself or herself by heroic or 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. Only one decoration will be awarded to an individual or unit for the same act, achievement, or period of meritorious service. The award of a decoration for wartime service does not preclude a service award at the termination of a permanent change of station or expiration term of service assignment. These recommendations will not refer to wartime service, which has been previously recognized by award of a decoration during the award period. Continuation of the same or similar type service already recognized by an award for meritorious service or achievement will not be the basis for a second award. If appropriate, an award may be made to include the extended period of service by superseding the earlier award or the award previously made may be amended to incorporate the extended period of service.

//NOTHING FOLLOWS//