

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 May 2024

DOCKET NUMBER: AR20230011393

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show the Bronze Star Medal with "V" Device (1st oak leaf cluster).

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

- DD Form 149 (Application for Correction of Military Record)
- Letter, Headquarters, 3rd Battalion, 39th Infantry, 9th Infantry Division, 1 May 1969
- General Orders Number 9036, Headquarters 9th Infantry Division, 7 July 1969
- DD Form 214
- 2 News Clippings

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 recently noticed his awards for the Bronze Star Medal for valor and his Bronze Star Medal for meritorious service were not listed on his DD Form 214. The correction should be made to complete his personal family military history.
3. The applicant was inducted into the Army of the United States on 21 March 1968. He served in military occupational specialty 11B (Light Weapons Infantryman).
4. The applicant provides a letter from the Commander, Headquarters, 3rd Battalion, 39th Infantry, 9th Infantry Division, 1 May 1969, which references the heroic actions of the applicant while acting as platoon leader on 30 April 1969. The commander recommended the applicant be awarded the Bronze Star Medal with "V" Device as a spot award, and that he be promoted to the rank/grade of staff sergeant/E-6.

5. General Orders Number 9036, Headquarters 9th Infantry Division, 7 July 1969, awarded him the Bronze Star Medal (1st oak leaf cluster) for meritorious service from 30 November 1968 to 24 June 1969.
6. His DA Form 20 (Enlisted Qualification Record) shows in:
 - a. Items 31 (Foreign Service) and 38 (Record of Assignments) -
 - he received all "excellent" or "unknown" conduct and efficiency ratings throughout his service
 - service in the Republic of Vietnam from 21 November 1968 to 27 August 1969
 - assigned to A Company, 3rd Battalion, 39th Infantry Regiment, 9th Infantry Division from 30 November 1968 to 27 August 1969
 - b. Item 41 (Awards and Decorations) includes the following entries, in part:
 - "BS" presumably Bronze Star Medal, though no orders are listed
 - "BS/V" presumably Bronze Star Medal with "V" Device, though no orders are listed
7. On 19 January 1970, he was honorably released from active duty and transferred to the U.S. Army Control Group (Annual Training). The DD Form 214 he was issued shows he was awarded or authorized the:
 - National Defense Service Medal
 - Vietnam Campaign Medal
 - Vietnam Service Medal with 2 campaign stars
 - Overseas Service Bar
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
 - Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-60)
 - Army Commendation Medal with "V" Device (1st oak leaf cluster)
 - Combat Infantryman Badge
 - Air Medal (2nd oak leaf cluster)
 - Republic of Vietnam Gallantry Cross with bronze star
8. His record does not contain any derogatory information or a commander's disqualification that would have precluded him from being recommended for or awarded the Army Good Conduct Medal (1st Award).

9. The applicant provides a:

a. News clipping presumably from the 9th Infantry Division newspaper which states, in effect, the applicant was awarded the Bronze Star Medal with "V" Device and promoted to staff sergeant for his actions during the contact as he continually exposed himself to enemy fire in order to direct his men.

b. News clipping presumably from the Mesa Tribune which states, in effect, the applicant was awarded the Bronze Star Medal for valor and promoted to staff sergeant for his actions. The award was presented by Major General HWH, 9th Division Commanding General, during ceremonies on 3 May.

10. Army Regulation 635-5 (Personnel Separations – Separation Documents), then in effect, states the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge.

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 Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's available military records the Board determined there is sufficient evidence to support the applicant's contentions for award of the Bronze Star Medal with V Device. The Board found the provided news extracts as sufficient evidence and support the correction of the applicant's records awarding him the BSM with V Device for heroic actions. The Board noted the applicant had two different heroic periods of action whereas he was awarded the Army Commendation Medal with V Device for his heroic actions on 11 December 1969.

2. In addition, during the Board deliberation, the Board determined the applicant's service record did not reflect he was awarded the Army Good Conduct Medal (1st Award) and his record shows he received "excellent" conduct and efficiency ratings throughout his service for the period of 21 March 1968 to 19 January 1970. Based on this the Board granted relief to correct the applicant's record to reflect award the Bronze Star Medal with V Device and the Army Good Conduct Medal.

3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

█	█	█	GRANT FULL RELIEF
:		:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

In addition to the administrative notes annotated by the Analyst of Record (below the signature), the Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending his DD Form 214 by adding in

- item 24 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) – Bronze Star Medal with V Device and
- awarding him the Army Good Conduct Medal (1st Award) for exemplary service from 21 March 1968 to 19 January 1970 and adding the medal to his DD Form 214 for the period ending 19 January 1970.

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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.

ADMINISTRATIVE NOTE(S):

The following orders and regulatory cites are sufficient to make the following administrative corrections to the applicant's DD Form 214 for the period ending on 19 January 1970 without action by the Board:

a. delete the Vietnam Service Medal with 2 campaign stars and Vietnam Campaign Medal from item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized).

b. add the following awards:

- Vietnam Service Medal with 3 bronze service stars
- Republic of Vietnam Campaign Medal with Device (1960)
- Bronze Star Medal (2nd Award)
- 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 600-8-22 (Military Awards) states the

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 bronze "V" device indicates acts of heroism involving conflict with an armed enemy and authorizes the device in conjunction with awards of the Army Commendation Medal, the Air Medal, and the Bronze Star Medal.

c. Paragraph 2-13, contains the regulatory guidance on the Vietnam Service Medal. It states that a bronze service star is authorized with this award for each Republic of Vietnam campaign a member is credited with participating in. Appendix B shows that during his service in the Republic of Vietnam, the applicant participated in the following three campaigns:

- Vietnam Counteroffensive Phase VI (2 November 1968 - 22 February 1969)
- TET 69 Counteroffensive (23 February 1969 - 8 June 1969)
- Vietnam Summer-Fall 1969 (9 June 1969 - 31 October 1969)

3. Army Regulation 672-5-1 (Awards), in effect at the time, provides that the Army Good Conduct Medal is awarded to individuals who have completed a qualified period of active duty enlisted service. This period is 3 years except in those cases when the period for the first award ends with the termination of a period of Federal military service. The enlisted person must have had no convictions by a court-martial and all "excellent" conduct and efficiency ratings except that ratings of "unknown" for portions of the period under consideration would not be disqualifying.

4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the awards received by units serving in the Republic of Vietnam. During the period in which the applicant was assigned to Company A, 3rd Battalion, 39th Infantry Regiment, 9th Infantry Division his unit was cited for award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation, for the period 8 February 1962 to 28 March 1973, by Department of the Army General Order 8, dated 1974.

5. Army Regulation 15-185 prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. 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.

//NOTHING FOLLOWS//