

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 212 May 2024

DOCKET NUMBER: AR20230011610

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of:

- Bronze Star Medal (BSM)
- Purple Heart (PH)
- Air Medal (AM)

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

- DD Form 149 (Application for Correction of Military Record), 31 July 2023
- DD Form 214, 16 May 1969

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 awarded a BSM, PH and the AM while he was in Vietnam, in addition to the awards already listed on his DD Form 214, but due to an administrative error, they were not added.
3. The applicant's records contain sufficient evidence to support additional awards not shown on his DD Form 214 and will be listed in the administrative notes section of this document without the need for the Board's review.
5. The Board will consider the applicant's request for the BSM and the AM and will consider as a separate and additional issue, his authorization for the Army Good Conduct Medal (AGCM) (First Award) for the period 13 October 1967 to 16 May 1969.
6. A review of the applicant's service records shows:

- a. On 14 October 1967, he was inducted into the Army of the United States.
- b. Headquarters (HQ), 2nd Training Brigade, U.S. Army Training Center (USATC), Fort Gordon, issued Special Orders (SO) Number 172, dated 25 November 1967, awarding him the "Expert Badge with Rifle Bar".
- c. HQ, USATC, Fort Polk, issued SO Number 31, dated 5 February 1968 and SO Number 39, dated 14 February 1968, awarded him the Marksman Marksmanship Qualification Badge with Rifle Bar (M-16) and the Sharpshooter Marksmanship Qualification Badge with Machinegun Bar (M-60) respectively.
- d. He was deployed to Vietnam from 6 May 1968 to 5 May 1969.
- e. A DA Form 4980-9 (AM Certificate), dated 13 December 1968, shows the Commanding General, 101st Airborne Division awarded him the AM on 4 August 1968; with an accompanying citation.
- f. A DA Form 4980-5 (BSM Certificate), dated 19 March 1969, shows the Commanding General, 101st Airborne Division awarded him the BSM for meritorious achievement for the period 1 July 1968 to 28 February 1969; with an accompanying citation.
- g. HQ, 101st Airborne Division issued General Orders Number 3519, dated 19 April 1969, awarding him the PH for wounds received in action.
- h. His DA Form 20 (Enlisted Qualification Record) shows in:
  - (1) Item 29 (Qualification in Arms) – he was awarded:
    - Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
    - Sharpshooter Marksmanship Qualification Badge with Machine Gun Bar (M-60)
    - Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
  - (2) Item 31 (Foreign Service) – U.S. Army Pacific, Vietnam, 6 May 1968 to 5 May 1969.
  - (3) Item 33 (Appointments and Reductions) – no reductions.
  - (4) Item 38 (Record of Assignments) shows he received all "excellent" in conduct and efficiency ratings; while in Vietnam, he participated in four campaigns, and he was assigned to 2nd Battalion (Airmobile), 502d Infantry, 101st Airborne Division.

(5) Item 41 (Awards and Decorations) – he was awarded or authorized:

- National Defense Service Medal
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
- Parachutist Badge (SO Number 74, HQTSB, 27 March 1968)
- Vietnam Service Medal (VSM)
- Combat Infantryman Badge (CIB)

h. On 16 May 1969, he was honorably released from active duty and transferred to the U.S. Army Reserve Control Group (Annual). His DD Form 214 for this period shows in:

(1) item 22a (Net Service This Period) – 1 year, 7 months, and 4 days;

(2) Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) – he was awarded or authorized:

- National Defense Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Expert Marksmanship Qualification Badge with Rifle Bar M-14 and M-16
- Parachutist Badge
- Vietnam Service Medal (VSM)
- Combat Infantryman Badge (CIB)

(3) item 26a (Non-Pay Periods Time Lost (Preceding Two Years)) – none; and

(4) item 30 (Remarks) – in part, no record of court-marital convictions.

7. His records are void of orders awarding him the BSM or the AM; and void of any disciplinary actions or a commander's disqualification for award of the AGCM (First Award) for the period 13 October 1967 to 16 May 1969.

8. A review of the Awards and Decorations Computer-Assisted Retrieval System, an index of general orders issued during the Vietnam era between 1965 and 1973 maintained by the U.S. Army Human Resources Command Military Awards Branch, failed to reveal any orders for award of the BSM, the AM or the AGCM (First Award) pertaining to the applicant.

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 petition and available military records, the Board determined there was sufficient evidence based on issued General Orders Number 3519, dated 19 April 1969, awarding the applicant the Purple Heart for wounds received in action. The Board agreed the applicant met the criteria in accordance with regulatory guidance for the award. Additionally, the Board determined the applicant was awarded the Bronze Star Medal (BSM) by the Commanding General, 101st Airborne Division who awarded him the BSM for meritorious achievement for the period 1 July 1968 to 28 February 1969.

2. Furthermore, the Board found sufficient evidence to support the applicant was awarded the Air Medal for meritorious achievement while participating in aerial flight while serving in the Republic of Vietnam. During deliberation the Board determined the applicant's service records did not reflect he was awarded the Army Good Conduct Medal (1st Award) and his record shows he received excellent conduct and efficient ratings throughout his service for the period of 13 October 1967 to 16 May 1969. Based on this, the Board granted relief to correct the applicant records by adding the Purple Heart, Bronze Star Medal, Air Medal and the AGCM.

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 the Army records of the individual concerned be corrected by amending his DD Form 214 for the period ending 16 May 1969 by awarding him the

- Purple Heart
- Bronze Star Medal
- Air Medal
- Army Good Conduct Medal (1st Award) for exemplary service from 13 October 1967 to 16 May 1969 and adding the medal to his DD Form 214 for the period ending 16 May 1969



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):

A review of the applicant's records shows the following amendments should be made to his DD Form 214 for the period ending 16 May 1969 to show in:

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

- four bronze service stars to his previously issued VSM
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal with First Class Unit Citation
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
- Sharpshooter Marksmanship Qualification Badge with Machinegun Bar (M-60)
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)

b. Item 30 (Remarks): "Service in Vietnam: 6 May 1968 to 5 May 1969."

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 15-185 (Army Board for Correction of Military Records) 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. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

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

a. The BSM 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 AM is awarded in time of war for heroism and for meritorious achievement or service while participating in aerial flight. This award is primarily intended for personnel on flying status but may also be awarded to those personnel whose combat duties require them to fly, for example, personnel in the attack elements of units involved in air-land assaults against an armed enemy. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

c. The VSM was awarded to all service members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through 28 March 1973. Qualifying service included attachment to or assignment for 1 or more days with an organization participating in or directly supporting military operations. One bronze service star is authorized with the VSM for each campaign during which a member was assigned or attached to and present for duty with a unit during the period in which it participated in combat.

d. The AGCM is awarded to on a selective basis to each Soldier who distinguishes himself or herself from among his or her fellow Soldiers by exemplary conduct,

efficiency, and fidelity throughout a specified period of continuous enlisted active Federal military service. There is no right or entitlement to the medal until the immediate commander has approved the award and the award has been announced in permanent orders.

(1) The periods of service of qualifying service are: (1) each 3 years completed on or after 27 August 1940; (2) for the first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; (3) for the first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year; (4) for the first award only, upon termination of service on or after 27 June 1950 of less than 1 year when final separation was by reason of physical disability incurred in line of duty; or (5) for the first award only, for those individuals who died before completing 1 year of active Federal military service or if the death occurred in the line of duty.

(2) Throughout a qualifying period of service, the enlisted Soldier's character must have been above reproach and must meet all of the following criteria for award of the Army Good Conduct Medal as indicated in the Soldier's record: willingly complied with the demands of the military environment, been loyal and obedient to his or her superiors, faithfully supported the goals of his or her organization and the Army, and conducted himself or herself in an exemplary manner as to distinguish him or her from fellow Soldiers.

4. Army Regulation 672-5-1 (Awards), in effect at the time, stated the AGCM was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940; for the first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; and, for the first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year. The enlisted person must have had all "excellent" conduct and efficiency ratings. Ratings of "unknown" for portions of the period under consideration were not disqualifying. Service school efficiency ratings based upon academic proficiency of at least "good" rendered subsequent to 22 November 1955 were not disqualifying. There must have been no convictions by a court-martial. However, there was no right or entitlement to the medal until the immediate commander made a positive recommendation for its award and until the awarding authority announced the award in general orders.

5. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register (January 1960 – February 1986)), in effect at the time, shows:

- a. His unit, 2d Battalion, 502d Infantry, was awarded:

- Republic of Vietnam Gallantry Cross with Palm Unit Citation by Department of the Army General Orders (DAGO) Number 48 1971, for the period 19 July 1968 to 14 May 1969
- Republic of Vietnam Civil Actions Honor Medal with First Class Unit Citation by DAGO Number 48, 1971, for the period 18 March 1968 to 2 May 1970

b. He participated in the following campaigns:

- Vietnam Counteroffensive, Phase IV, 2 April 1968 – 30 June 1968
- Vietnam Counteroffensive, Phase V, 1 July 1968 – 1 November 1968
- Vietnam Counteroffensive, Phase VI, 2 November 1968 – 22 February 1969
- TET 69 Counteroffensive, 23 February 1969 – 8 June 1969

6. Army Regulation 635-5 (Separation Documents), effective 1 February 1967, prescribed the separation documents that would be furnished each individual who was separated from the Army including Active-Duty Training personnel and established standardized procedures for the preparation and distribution of these documents. All available records would be used as a basis for the preparation of the DD Form 214, including DA Form 20, DA Form 66, and orders.

a. In item 24, enter from item 21, DA Form 66 (Officer Qualification Record), or section 9, DA Form 20 all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

b. In item 30, enter, in part, the inclusive dates of service in Vietnam during current period of service.

//NOTHING FOLLOWS//