

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 May 2024

DOCKET NUMBER: AR20230011667

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of the Bronze Star Medal and Purple Heart.

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

- DD Form 149 (Application for Correction of Military Record)
- Headquarters, 4th Infantry Division, General Orders Number 3567, 1 July 1969
- Purple Heart Certificate, 1 July 1969
- Bronze Star Medal Certificate, 21 November 1969
- Bronze Star Medal 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 has the medals showing he was awarded the Bronze Star Medal and Purple Heart, but they are not entered on his DD Form 214.
3. He was appointed as a Reserve commissioned officer of the Army effective 4 May 1968.
4. Headquarters, 5th Infantry Division (Mechanized) and Fort Carson, General Orders Number 109, 13 May 1969, awarded him the Army Commendation Medal for meritorious service during the period 13 May 1968 to 10 April 1969.
5. He was reassigned to Company B, 1st Battalion, 35th Infantry Regiment, 4th Infantry Division, U.S. Army Pacific- Republic of Vietnam, effective 13 June 1969.

6. Headquarters, 4th Infantry Division, General Orders Number 3567, 1 July 1969, awarded him the Purple Heart for wounds received by a hostile force in the Republic of Vietnam on 17 June 1969.

7. He was evacuated to the U.S. Army Hospital, Camp Zama, Japan, on 22 June 1969. He returned to the Republic of Vietnam on 9 August 1969 and was attached to Company C, 716th Military Police Battalion, U.S. Army Headquarters Area Command.

8. The Bronze Star Medal Certificate, 21 November 1969, and Bronze Star Medal Citation show he was awarded the Bronze Star Medal for outstandingly meritorious service in connection with military operations against a hostile force in the Republic of Vietnam during the period August 1969 to November 1969.

9. Item 17 (Foreign Service) of his DA Form 66 (Officer Qualification Record) shows he received overseas tour credit for service in U.S. Army Pacific-Republic of Vietnam from 4 June 1969 through 25 November 1969.

10. Item 18 (Record of Assignments) of his DA Form 66 shows he departed Vietnam on or about 24 November 1969 en route to the continental United States.

11. His service records are void of orders awarding him the Bronze Star Medal. Item 41 (Awards and Decorations) of his DA Form 66 does not show award of the Bronze Star Medal.

12. He was honorably released from active duty on 12 December 1969. He completed 1 year, 10 months, and 22 days of net active service during this period, including 5 months and 22 days of foreign service. His DD Form 214 shows he was awarded or authorized the:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)

13. Department of the Army General Orders Number 8, 19 March 1974, confirmed award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Military Assistance Command, and its subordinate units during the period 8 February 1962 to 28 March 1973 and to Headquarters, U.S. Army Vietnam, and its subordinate units during the period 20 July 1965 to 28 March 1973.

14. A review of the Awards and Decorations Computer-Assisted Retrieval System maintained by the U.S. Army Human Resources Command Military Awards Branch, an index of general orders issued during the Vietnam era between 1965 and 1973, failed to reveal orders awarding him the Bronze Star Medal.

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, 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 review based on law, policy, and regulation. Upon review of the applicant's petition and military records, the Board determined the applicant's service in Vietnam from 4 June 1969 to 25 November 1969 and submission of his Bronze Star Medal Certificate and citation for distinguishing himself by outstandingly meritorious service in connection with military operations against a hostile force in the Republic of Vietnam during the period August 1969 to November 1969 was sufficient to award the applicant the Bronze Star Medal.
2. Prior to closing the case, the Board noted 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:

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, for the period ending 12 December 1969 by awarding him the Bronze Star Medal and adding in item 24 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) 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.

ADMINISTRATIVE NOTE(S): The applicant is authorized administrative correction of his DD Form 214 to show the following entries without Board action:

- item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) –
  - Purple Heart
  - Army Commendation Medal
  - three bronze service stars with his Vietnam Service Medal
  - Republic of Vietnam Gallantry Cross with Palm Unit Citation

- item 30 (Remarks) – "Vietnam – 4 Jun 69 through 25 Nov 69, Indochina – Yes, Korea – No"

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 Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The Bronze Star Medal is awarded to any service member of the Armed Forces of the United States who, while serving in any capacity after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

b. The Vietnam Service Medal 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. One bronze service star is authorized with the Vietnam Service Medal for each campaign during which a member was assigned or attached to and present for duty with a unit during the period in which the unit participated in combat. Table K-1 shows participation credit was awarded for the following campaigns, in part:

- Tet 69 Counteroffensive 1969 – 23 February 1969-8 June 1969
- Vietnam Summer-Fall 1969 – 9 June 1969-31 October 1969
- Vietnam Winter-Spring 1970 – 1 November 1969-30 April 1970

3. Army Regulation 635-5 (Separation Documents), effective 1 February 1967, prescribed the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214. The general instructions stated all available records would be used as a basis for the preparation of DD Form 214, including the DA Form 66 and orders.

4. Army Regulation 635-5 (Separation Documents), effective 23 May 1972, stated to indicate Indochina and Korea service performed on or after 5 August 1964 in item 30 of the DD Form 214 by entering inclusive dates of service for Vietnam and indicating "Yes" or "No" for service in Indochina and Korea. To show Vietnam service only, for example, enter "Vietnam – 25 Apr 70 through 28 May 71, Indochina – Yes, Korea – No."

//NOTHING FOLLOWS//