

IN THE CASE OF: ██████████

BOARD DATE: 21 June 2024

DOCKET NUMBER: AR20230011763

APPLICANT REQUESTS:

- award of:
 - Bronze Star Medal with “V” Device
 - [Army] Commendation Medal
- correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show in:
 - item 24 (Decorations, Medals, Badges, Commendations and Campaign Ribbons Awarded or Authorized): Purple Heart
 - item 5a (Grade, Rate or Rank): corporal (CPL)

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

- DD Form 149 (Application for Correction of Military Record)
- E-mail Communication with the Army Review Boards Agency (ARBA)
- General Orders Number 138, 20 April 1968
- Citation, Army Commendation Medal, 2 July 1967 to 1 July 1968
- General Orders Number 8723, 31 October 1968
- General Orders Number 8819, 2 November 1968

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:

a. After being shot and wounded in Vietnam he never received all due medals and rewards. He has only received the Purple Heart but never received the Bronze Star

Medal with "V" Device, nor the Army Commendation Medal. His daughter helped him to submit for these items about 2 years ago, but he was told there was no record of them being awarded except for the Purple Heart.

b. He was also promoted to CPL but was subsequently discharged after being injured. He does have documentation that has been kept all these years. He has been trying to obtain records and had no luck. He never received personal articles that were left or shipped from Vietnam after being wounded. He was wounded on 17 April 1968. He needs to make sure his record has no omissions and that he receives the earned medals. He is in pain and he is trying to get someone to help him retrieve the items and records.

c. He has the applicable records/original letters sent showing due awards, as well as injuries supporting the claims. CPL status is also listed on some records but not others. He was hospitalized in or near Japan and Vietnam at the Evacuation Hospital; he is requesting this to be found. The records in questions have never been seen by him. The records received are during his rehabilitation, after his return to the states. They were told that the specific records were incorrect or missing.

3. As a related item, the Board may consider the applicant for award of the Army Good Conduct Medal for the period 21 February 1966 to 12 November 1968.

4. The applicant provides:

a. General Orders Number 138, issued by Headquarters, 67th Evacuation Hospital, 20 April 1968, which shows, the applicant, was awarded the Purple Heart, and his rank is listed as specialist (SPC)/E-4.

b. His citation for the Army Commendation Medal, for meritorious service in Vietnam during the period 2 July 1967 to 1 July 1968.

c. General Orders Number 8723, issued by Headquarters, 101st Airborne Division, 31 October 1968, which shows, the applicant, was awarded the Army Commendation Medal, and his rank is listed as SPC.

d. General Orders Number 8819, issued by Headquarters, 101st Airborne Division, 2 November 1968, which shows, the applicant was awarded the Bronze Star Medal with "V" Device, and his rank is listed as SPC.

5. A review of the applicant's service records show:

a. On 21 February 1966, he enlisted in the Regular Army.

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

(1) Item 31 (Foreign Service) – service in Vietnam from 7 July 1967 to 30 June 1968.

(2) Item 33 (Appointments and Reductions) – shows in part specialist, E-4 (T), date of rank 4 April 1968.

(3) Item 38 (Record of Assignments) – Company A, 2nd Battalion, 327th Infantry, Vietnam, from 8 July 1967 to 22 April 1968; and he received "excellent" conduct and efficiency ratings.

(4) Item 40 (Wounds) – gunshot wound to both shoulders, 12 April 1968.

(5) Item 41 (Awards and Decorations) –

- National Defense Service Medal
- Vietnam Service Medal
- Basic Parachutist Badge
- Combat Infantryman Badge
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)

c. AGPZ Form 977 (Data for Retired Pay), 5 November 1968, shows in part, the applicant retired grade and highest grade attained as "specialist".

6. On 12 November 1968, he was honorably retired from active duty, and placed on the temporary disability retired list. His DD Form 214 shows he completed 2 years, 8 months, and 22 days of active service. His DD Form 214 also shows:

a. Item 5a (Grade, Rate or Rank) – SP4 (temporary).

b. Item 5b (Pay Grade) – E-4.

c. Item 5c (Date of Rank) – 4 April 1968.

d. He was awarded or authorized the Republic of Vietnam Campaign Medal with Device 1960, Vietnam Service Medal, National Defense Service Medal, Parachutist Badge, Combat Infantryman Badge, and Expert Marksmanship Qualification Badge with Rifle Bar (M-14).

e. Block 30 (Remarks) lists administrative entries but not his service in Vietnam.

7. His records are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal for the period 21 February 1966 through 12 November 1968.

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 service record, the Board noted no orders or documentation show his rank as corporal (CPL) vice specialist (SPC); however, despite not having the documentation, the Board concluded based on the applicant's contention of being laterally promoted to CPL, relief was warranted. The Board noted that lateral promotions are often handled at the unit level and are not always processed to completion; therefore, based on equity, the Board granted relief.

2. Prior to closing the discussion, the Board concurred with the administrative note outlined by the analyst of record in the Record of Proceedings.

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 (Armed Forces of the United States Report of Transfer or Discharge), for the period ending 12 November 1969 to show in item 5a (Grade, Rate or Rank): CPL.

7/10/2024

X

CHAIRPERSON

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's records contain sufficient evidence to support additional awards not reflected on his DD Form 214. As a result, amend his DD Form 214 by adding to:

a. Item 24:

- Purple Heart
- Army Commendation Medal
- Bronze Star with "V" Device
- four bronze service stars to his previously awarded Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

b. Item 30 (Remarks): "Vietnam Service: 7 July 1967 to 30 June 1968."

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 635-5 (Separation Documents), 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. Item 3a, enter grade in which serving at time of separation, indicating whether permanent or temporary.
 - b. In item 24, enter from item 21, all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.
 - b. In item 30, enter inclusive dates of service in Vietnam during current period of service.
3. A bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign.
4. Department of the Army General Orders Number 8, dated 1974, announced 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.
5. Army Regulation 672-5-1 (Awards), in effect at the time, stated the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940; for 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 immediate commander made a positive recommendation for its award and until the awarding authority announced the award in general orders.

6. 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.

//NOTHING FOLLOWS//