

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 June 2024

DOCKET NUMBER: AR20230012614

APPLICANT REQUESTS:

- correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of the Air Medal
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- DD Form 215 (Correction to DD Form 214)
- National Personal Records Center (NPRC) Letter

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 the original Certificate for the Air Medal at Camp Eagle, Headquarters and Headquarters Company, 1st Battalion, 506th Infantry, Vietnam. He mailed the original certificate to St. Louis, MO, thinking the medal would be sent to him.
3. The applicant's record will be administratively corrected without action by the Board to add his foreign service in Vietnam.
4. The applicant was inducted into the Army of the United States on 21 February 1968.
5. His DA Form 20 (Enlisted Qualification Record) shows in:

- Item 31 (Foreign Service), he served in Vietnam from 17 January 1969 through 16 January 1970
- Item 38 (Record of Assignments), he served in Vietnam with Headquarters and Headquarters Company, 1st Battalion, 506th Infantry from 23 January 1969 to 12 January 1970

6. On 17 January 1970 he was honorably released from active duty and was transferred to the U.S. Army Reserve. His DD Form 214, as amended by his DD Form 215 show:

a. Item 22c (Foreign and/or Sea Service) - "USARPAC" and "NAVL"

b. Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) of his DD Form 214 shows the:

- National Defense Service Medal
- Bronze Star Medal
- Army Commendation Medal
- Army Good Conduct Medal
- Presidential Unit Citation
- Combat Medical Badge
- Vietnam Service Medal with 4 bronze service stars
- Vietnam Campaign Medal with Device (1960)
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation
- Marksman Marksmanship Qualification Badge (M-14) Rifle
- Marksman Marksmanship Qualification Badge (M-16) Rifle

c. Item 30 (Remarks): no entry for Vietnam service.

7. His records are void of orders awarding him the Air Medal.

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 Military Awards Branch of the United States Army Human Resources Command, failed to reveal orders for the Air Medal.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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. The evidence of record shows the applicant served in Vietnam from 17 January 1969 to 15 January 1970. The Board determined the applicant did not participate in aerial flight or documented combat duties that would meet the criteria for award of the Air Medal. The Board noted the applicant's contention he served in an Air Mobile unit while in Vietnam; however, concluded relief was not warranted.
2. Prior to closing the discussion, the Board reviewed and concurred with the analyst of record's administrative notes below.
3. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.



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 NOTES: administratively correct the applicant's DD Form 214 for the period ending 17 January 1970, by:

- deleting the entry "NAVL" in item 22c and adding the entry - "1 0 0"
- adding to item 30, the entry - "Vietnam-17 January 1969 through 16 January 1970, 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 15-185 (Army Board for Correction of Military Records), paragraph 2-11, states applicants do not have a right to a formal hearing before the ABCMR. The Director of the ABCMR may grant a formal hearing whenever justice requires.
3. Army Regulation 600-8-22 states the Air Medal 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.
4. U.S. Army Vietnam Regulation 672-1 provided guidelines for award of the Air Medal. It established that passenger personnel who did not participate in an air assault were not eligible for the award based upon sustained operations. It defined terms and provided guidelines for the award based upon the number and types of missions or hours. Twenty-five category I missions (air assault and equally dangerous missions) and accrual of a minimum of 25 hours of flight time while engaged in category I missions was the standard established for which sustained operations were deemed worthy of recognition by an award of the Air Medal. However, the regulation was clear that these guidelines were considered only a departure point.
5. Army Regulation 635-5 (Separation Documents), in effect at the time, provided guidance for completing the entries on the DD Form 214. This regulation provided:
 - a. Item 22c - Enter the total active duty outside the continental limits of the United States for the period covered by the DD Form 214 and the last overseas theater in which service was performed, e.g., "Foreign and/or Sea Service USARPAC [United States Army Pacific Command]."
 - b. Item 30 - Indicate Indochina and Korea service on or after 5 August 1964 by entering inclusive dates of service for Vietnam and indicating "yes" or "no" for service in Indochina and Korea. Where the record reflects assignment to an organization in

Burma, Laos, Thailand, Cambodia, or Vietnam show "yes" for Indochina. Sample: To show service in Vietnam only, "Vietnam-25 Apr 70 through 28 May 71, Indochina-yes, Korea-no."

//NOTHING FOLLOWS//