

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 October 2024

DOCKET NUMBER: AR20230012996

APPLICANT REQUESTS:

- award of the Bronze Star Medal (4th award) for meritorious service during his tour of duty in Vietnam
- award of the Army Good Conduct Medal

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

- DD Form 149 (Application for Correction of Military Record)
- self-authored statement
- DA Form 137 (Installation Clearance Record)

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 the Bronze Star Medal and the Army Good Conduct Medal should be awarded and listed on his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge). In a self-authored statement, the applicant further states, in part:

a. He is providing his DA Form 137, dated 7 June 1970, and signed by his former commanding officer. At the time this form was issued, he was getting ready to return to the United States after spending a full year in Vietnam. He was wounded in Vietnam, and he was awarded the Purple Heart and other awards for heroism. As he was processing out of Vietnam 7 June 1970, he was handed the subject DA Form 137 and was directed to go to the awards section, which he did immediately. There, he handed the form authorizing that he be awarded a Bronze Star Medal for meritorious service and the Army Good Conduct Medal by his commanding officer to the awards personnel.

b. He was advised that orders for both medals would be awarded along with citations, however, they would be sent to his home as he was going to be discharged from the Regular Army upon his return to the United States. He was also told about time restraints getting the awards to him before he left Vietnam, and he was assured they would be mailed to him. He never received either the Bronze Star Medal or the Army Good Conduct Medal or the citations he was promised. He was lucky to have survived Vietnam after being wounded while participating in combat for the full year he was in Vietnam. He was quite disappointed, but he did not pursue this oversight or even the possibility of a lack of attention to the DA Form 137 by the awards personnel section. *(Note: the complete self-authored statement was provided to the Board for their review and consideration).*

3. The Board will not consider the applicant's request for the Bronze Star Medal (4th award) because there is no evidence the applicant exhausted his administrative remedies:

a. Army Regulation 600-8-22 (Military Awards) prescribes Department of the Army policy, criteria, and administrative instructions concerning individual military decorations. Paragraph 1-14 of this regulation states that except for award recommendations submitted in accordance with the provisions of Section 1130, Title 10, United States Code (10 USC 1130), each recommendation for an award of a military decoration must be entered administratively into military channels within 2 years of the act, achievement, or service to be honored. An award recommendation will be considered to have been submitted into military channels when it has been signed by the initiating officer and endorsed by a higher official in the chain of command. However, pursuant to 10 USC 1130, a Member of Congress can request consideration of a proposal for the award of presentation of decoration (or the upgrade of a decoration), that is not otherwise authorized to be presented or awarded due to limitations established by law or policy. Based upon such review, the Secretary of the Army will make a determination as to the merit of approving the award or presentation of the decoration and other determinations necessary to comply with congressional reporting requirements under 10 USC 1130.

(1) In order to request award of the BSM under 10 USC 1130, the applicant must submit a DA Form 638 (Recommendation for Award). 10 USC 1130 also requires that a request of this nature be referred to the Service Secretary from a Member of Congress. Therefore, the applicant must submit the request through a Member of Congress who will send it to the U.S. Army Human Resources Command (AHRC).

(2) If the applicant chooses to pursue the Bronze Star Medal (4th Award) by submitting a request under the provisions of 10 USC 1130, and the request is subsequently denied by AHRC, he may reapply to the ABCMR.

b. The Bronze Star Medal (4th award) will not be discussed further in this Record of Proceedings.

4. The applicant enlisted in the Regular Army on 9 September 1968.

5. Special Orders Number 312, dated 7 November 1968, issued by the U.S. Army Training Center and Fort Leonard Wood, MO, awarded him the following badges:

- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Expert Marksmanship Qualification Badge with Grenade Bar

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

a. He received "excellent" conduct and efficiency ratings throughout most of his active service; he received ratings of "unknown" from 1 May to 15 May 1969, and

b. He served in Vietnam from 14 June 1969 to 1 June 1970, and during this period he was assigned to the below units:

- Battery A, 1st Battalion, 7th Artillery from 24 June 1969 to 15 March 1970
- Headquarters and Headquarters Battery (HHB), 1st Battalion, 30th Artillery from 16 March to 9 June 1970

7. The applicant's records contain the following sets of orders awarding him the Bronze Star Medal:

a. General Orders (GO) Number 2181, published by Headquarters, 1st Infantry Division, on 14 February 1970 awarded the Bronze Star Medal for meritorious achievement during the period 1 December 1969 to 31 January 1970 (1st Award).

b. GO Number 2979, published by Headquarters, 1st Infantry Division, on 26 February 1970 awarded the Bronze Star Medal with "V" Device for heroic actions on 31 December 1969 (2nd award).

c. GO Number 2980, published by Headquarters, 1st Infantry Division, on 26 February 1970 awarded the Bronze Star Medal with "V" Device for heroic actions on 5 February 1970 (3rd award).

8. The applicant's record is void of unfavorable information or a unit commander's disqualification that would have precluded him from being recommended for or awarded the Army Good Conduct Medal.

9. The applicant's DD Form 214 shows he was honorably released from active duty on 13 June 1970, in the rank/grade of specialist 5/E-5, after completing 1 year, 9 months, and 5 days of active service. His DD Form 214 also shows he was awarded or authorized the:

- Army Commendation Medal
- National Defense Service Medal
- Vietnam Service Medal
- Purple Heart
- Bronze Star Medal with 2nd oak leaf cluster (third award) (two with "V" device)
- Air Medal
- two overseas service bars
- Vietnam Campaign Medal (also known as the Republic of Vietnam Campaign Medal with device 1960

10. The applicant provided a DA Form 137, dated 7 June 1970, showing he was recommended for the Army Good Conduct Medal and the Bronze Star Medal for meritorious service upon his departure from Vietnam. The form also shows he had not been presented his award for meritorious service and that his conduct and efficiency were rated as excellent.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found partial relief is warranted.
2. The Board found the applicant met the criteria for the Army Good Conduct Medal. The Board determined he should be awarded this medal and it should be added to his DD Form 214.
3. The Board concurred with the corrections described in Administrative Note(s) below.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- Awarding him the Army Good Conduct Medal for the period 9 September 1968 through 13 June 1970
- Adding the Army Good Conduct Medal to his DD Form 214
- Making the corrections described in Administrative Note(s) below

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to the Bronze Star Medal (4th Award).

3/29/2025

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): administratively correct block 24 of the applicant's DD Form 214 to delete the Vietnam Service Medal and add the:

- Vietnam Service Medal with three bronze service stars
- Republic of Vietnam Gallantry Cross with Palm Unit Citation (2nd award)
- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation
- Valorous Unit Award
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Expert Marksmanship Qualification Badge with Grenade Bar

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 672-5-1 (Awards), in effect at the time, states 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.

3. Army Regulation 600-8-22 (Military Awards) states a bronze service star is authorized with this award for each Vietnam campaign a member is credited with participating. Appendix B of this regulation shows that during the applicant's service in Vietnam, participation credit was awarded for the following three campaigns:

- Vietnam Summer-Fall 1969 (9 June 1969 to 31 October 1969)
- Vietnam Winter-Spring 1970 (1 November 1969 to 30 April 1970)
- Sanctuary Counteroffensive (1 May 1970 to 30 June 1970)

4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the awards received by units serving in Vietnam. This pamphlet shows that during the applicant's assignment to Battery A, 1st Battalion, 7th Artillery, this unit was cited for the Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period 15 September 1969 to February 1970 and for the Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation for the period 12 July 1965 to 7 April 1970.

5. Department of the Army Pamphlet 672-3 also shows that during the applicant's assignment to HHB, 1st Battalion, 30th Artillery, this unit was cited for the Valorous Unit Award for the period 1 May to 29 June 1970 and for the Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period 21 February 1970 to 28 February 1971.

//NOTHING FOLLOWS//