

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 June 2024

DOCKET NUMBER: AR20230013264

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

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

- DD Form 149 (Application for Correction of Military Record), 31 August 2023
- DA Form 4980-5 (Bronze Star Medal Certificate), 10 June 1970
- BSM Citation, June 1969 to June 1970

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 the BSM on the 10 June 1970 by Major General [REDACTED]
3. The applicant provided copies of a BSM Certificate dated 10 June 1970, and a BSM Citation for the period June 1969 to June 1970.
4. The applicant's records contain sufficient evidence to support additional awards and administrative correction of his DD Form 214 and will be listed in the administrative notes section.
5. The Board will consider the applicant's request for the BSM and as an additional issue, his authorization for the Army Good Conduct Medal (AGCM) (First Award) for the period 18 September 1968 to 3 June 1970.
6. A review of the applicant's service records shows:

a. On 18 September 1968, he was inducted into the Army of the United States. He was subsequently awarded military occupational specialty 11C (Indirect Fire Crewman).

b. On 9 May 1969, he deployed to Vietnam.

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

(1) item 29 (Qualification in Arms) – his weapons qualifications, and qualification class as Expert Marksmanship Qualification Badge with Rifle Bar (M-16);

(2) item 31 (Foreign Service) – U.S. Army Pacific, Vietnam, 4 June 1969 to 3 June 1970;

(3) item 33 (Appointments and Reductions) – shows he was temporarily promoted to corporal/E-4 (T) (Temporary) from private 2/E-2 on 3 March 1969 by authority of Special Order (SO) Number 49 issued from Headquarters (HQ), U.S. Army Infantry Center (USAIC), Fort Benning; he then reverted to private first class/E-3 (P) (Permanent) by authority of SO Number 99, HQ, USAIB, 1969; otherwise no punitive reductions;

(4) item 38 (Record of Assignments) – he received all "excellent" conduct and efficiency ratings during his active service; he was assigned to 5th Battalion, 46th Infantry, 198th Infantry Brigade while he was in Vietnam; and he participated in four campaigns;

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

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

(6) item 44 (Lost Time Under section 972, Title 10, United States Code, and Subsequent to Normal Date Expiration of Term of Service) – no entries.

d. On 3 June 1970, he was honorably released from active duty. His DD Form 214 shows in:

(1) item 11a (Type of Transfer or Discharge) – Transferred to the U.S. Army Reserves;

(2) item 13a (Character of Service) – Honorable;

(3) item 22a(1) (Net Service This Period) – 1 year, 8 months, and 16 days;

(4) item 22c (Foreign and or Sea Service) – "Vietnam Service: 4 June 1969 to 3 June 1970";

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

- National Defense Service Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
- Expert Marksmanship Qualification Badge with Pistol Bar (.45 caliber)
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)

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

(7) item 30 (Remarks) – in part, no record of time lost or court-martial convictions.

e. His records are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal (First Award) for the period 18 September 1968 to 3 June 1970.

e. His records are void or orders awarding him the BSM and the AGCM (First Award).

7. 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 the BSM and 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 relief is warranted.

2. In the absence of orders, the Board accepted the Bronze Star Medal Certificate and Citation provided by the applicant as sufficient to confirm he received this award. The Board determined the medal should be added to his DD Form 214.

3. The Board found the applicant met the criteria for the Army Good Conduct Medal (1st Award). The Board determined he should be awarded this medal and it should be added to his DD Form 214.

4. 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:

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:

- Awarding him the Army Good Conduct Medal (1st Award) for the period 18 September 1968 through 3 June 1970
- Adding the Bronze Star Medal and Army Good Conduct Medal (1st Award) to his DD Form 214
- Making the corrections described in Administrative Note(s) below

11/1/2024

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 shown on his DD Form 214 and should be administratively corrected by adding the following:

- Valorous Unit Award
- four bronze service stars with the Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)

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

a. The Bronze Star Medal 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 Army Good Conduct Medal 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.

c. 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. 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 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 it participated in combat or was under orders in the combat zone and served at a normal post of duty. One silver service star is used to denote service during five campaigns.

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, 5th Battalion, 46th Infantry, was awarded:

- Valorous Unit Award by Department of the Army General Orders (DAGO) Number 43 1972, for the period 11 August 1969 to 31 August 1969
- Republic of Vietnam Gallantry Cross with Palm Unit Citation by DAGO Number 42, 1972, for the period 24 August 1969 to 31 December 1969

b. He participated in the following campaigns:

- TET 69 Counteroffensive, 23 February 1969 – 8 June 1969
- Vietnam Summer – Fall I 1969, 9 June 1969 – 31 October 1969
- Vietnam Winter-Spring 1970, 1 November 1969—30 April 1970
- DA Sanctuary Counteroffensive, 1 May 1970 – 30 June 1970

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 (Enlisted Qualification Record) 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//