

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 July 2024

DOCKET NUMBER: AR20230013747

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

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

- DD Form 149 (Application for Correction of Military Record)
- Bronze Star Medal Certificate
- Bronze Star Medal Citation
- DD Form 214

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 would like the Board to correct his DD Form 214 to show the Bronze Star Medal as an authorized award.
3. The applicant was inducted into the Army of the United States on 4 November 1966. He held military occupational specialty 11B (Light Weapons Infantryman).
4. His DA Form 20 (Enlisted Qualification Record) contains the following information and entries:
  - a. Block 29 (Qualification in Arms) shows he qualified with the following weapons -
    - Sharpshooter, M-14 Rifle, 13 December 1966
    - Expert, M-60 Machine Gun, 15 February 1967
    - Sharpshooter, M-16 Rifle, 9 February 1967

b. Block 31 (Foreign Service) shows he was credited with foreign service in Vietnam from 20 April 1967 to 18 April 1968. During this period, he participated in 4 campaigns.

c. Block 28 (Record of Assignments) shows he -

- received all excellent conduct and efficiency ratings
- he was assigned to Company C, 1st Battalion, 5th Cavalry Regiment, 1st Cavalry Division (Air Mobile), Vietnam from 25 April 1967 to 16 April 1968

d. Block 41 (Awards and Decorations) -

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- one overseas service bar
- Army Commendation Medal with "V" Device, General Orders (GO) 120, Headquarters, 1st Cavalry Division, undated
- Air Medal, GO Number 666, Headquarters, 1st Cavalry Division, 31 January 1968

5. The applicant provided:

a. Bronze Star Medal Certificate showing on 21 March 1968, he was awarded the Bronze Star Medal for meritorious achievement in ground operations against hostile forces during the period April 1967 to April 1968 in the RVN.

b. Bronze Star Medal Citation for distinguishing himself by outstanding meritorious service in connection with ground operations against a hostile force in the RVN from April 1967 to April 1968.

6. On 1 November 1968, he was honorably released from active duty and was transferred to the United States Army Reserve. His DD Form 214 shows he was awarded or authorized the:

- National Defense Service Medal
- Vietnam Service Medal (VSM)
- Combat Infantryman Badge
- Vietnam Campaign Medal with Device (1960)
- Air Medal
- one overseas service bar
- Army Commendation Medal with "V" Device

7. A review by Human Resources Command (HRC) of the Awards and Decorations Computer-Assisted Retrieval System (ADCARS), an index of general orders issued during the Vietnam era between 1965 and 1973 maintained by the Awards and Decorations Branch of HRC, failed to reveal orders awarding the applicant the Bronze Star Medal .

8. There is no evidence he was awarded the Army Good Conduct Medal (AGCM), nor is there evidence of a commander's disqualification for the award. Additionally, there is no evidence of any convictions by courts-martial or receipt of nonjudicial punishment under Article 15, Uniform Code of Military Justice.

9. 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.

#### BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the provided award certificate and citation showing the applicant was previously awarded a Bronze Star Medal, the Board concluded there was sufficient evidence to add the award to the applicant's DD Form 214.

#### BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	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 relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending the applicant's DD Form 214 by adding the Bronze Star Medal.

2. Prior to closing the case, the Board noted the administrative notes below from the analyst of record and recommended those changes also be completed to more accurately reflect the military service of the applicant.

1/7/2025

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 the applicant's DD Form 214 ending 1 November 1968 without action by the Board, by:

- a. deleting the Vietnam Service Medal from block 13:
- b. adding the following awards to block 13:
  - Vietnam Service Medal with 4 bronze service stars
  - Republic of Vietnam Gallantry Cross with Palm Unit Citation
  - Meritorious Unit Commendation
  - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
  - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
  - Expert Marksmanship Qualification Badge with Machine Gun Bar (M-60)

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) provide -

a. A bronze service star is awarded based on qualifying service for each campaign listed in Appendix B of this regulation, to include the Vietnam Service Medal.

c. 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.

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 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. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Credit Register) shows:

a. The following four campaigns took place during the period of the applicant's service in Vietnam from 20 April 1967 to 18 April 1968:

- Vietnam Counteroffensive, Phase II, 1 July 1966 - 31 May 1967
- Vietnam Counteroffensive, Phase III, 1 June 1967 - 29 January 1968
- TET Counteroffensive, 30 January 1968 - 1 April 1968
- Vietnam Counteroffensive, Phase IV, 2 April 1968 - 30 June 1968

b. The 1st Cavalry Division was cited for award of the Meritorious Unit Commendation by Department of the Army General Order (DAGO) 10, 1968.

c. 1st Battalion, 5th Cavalry Regiment was cited for award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation, for the period 9 August 1965 to 19 May 1969, by DAGO 59, 1969.

//NOTHING FOLLOWS//