

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 July 2024

DOCKET NUMBER: AR20230013803

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show the following awards:

- Aircraft Crewmember Badge
- Army Commendation Medal (3rd Award) with "V" Device
- Air Medal with Numeral "4" and with "V" Device
- Air Medal with Numeral "5" through "28"
- Presidential Unit Citation
- Valorous Unit Award
- Meritorious Unit Commendation
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Statement, 27 September 2023
- General Orders Number 6162, Army Commendation Medal, 10 July 1970
- Certificate, Army Commendation Medal, 10 July 1970
- General Orders Number 7459, Air Medal with "V" Device, 28 July 1970
- Certificate, Air Medal (2nd Award) with "V" Device, 28 July 1970
- General Orders Number 55, Aircraft Crewmember Badge, 14 October 1970
- General Orders Number 11329, Army Commendation Medal (2nd Award), 17 November 1970
- Certificate, Army Commendation Medal (2nd Award), January 1970 to January 1971
- General Orders Number 3058, Army Commendation Medal (3rd Award) with "V" Device, 10 April 1971
- Certificate, Army Commendation Medal (3rd Award) with "V" Device, 10 April 1971
- Certificate, Air Medal, with Numeral "5" through "28," 16 April 1971
- Citation, Air Medal, with Numeral "5" through "28," for the period 24 March 1970 to 29 March 1971

- General Orders Number 3403, Air Medal (4th Award) with “V” Device, 18 April 1971
- Certificate, Air Medal with “V” Device, 18 April 1971
- DD Form 214, for the period ending 6 April 1971

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 was drafted and was assigned to 147th Aviation Company (Assault Support Helicopter Company), 214th and 307th Combat Aviation Battalions, 1st Aviation Brigade, from 3 September 1969 to 6 April 1971. He is terminally ill and attempting to update his military record to reflect his service for his family. He reviewed his DD Form 214 and noticed that there are awards, unit citations, and commendations missing. He would like a new copy of his DD Form 214/215 (Correction to DD Form 214). If he is deceased, prior to the Board's review of his request he would like his records forwarded to his son.
3. The applicant's record contains sufficient evidence to support corrections not annotated on his DD Form 214. His DD Form 214 will be administratively corrected to show these awards. The Board will consider the applicant's request for award of the Presidential Unit Citation, Valorous Unit Award, and Meritorious Unit Commendation. As a related item, the Board may also consider the applicant for award of the Army Good Conduct Medal for the period 3 September 1969 through 6 April 1971.
4. The applicant provides several awards and citations for the period July 1970 to April 1971, issued by Headquarters, 1st Aviation Brigade, that show he was assigned to 147th Aviation Company, in Vietnam.
5. A review of the applicant's service records show:
 - a. On 3 September 1969, the applicant was inducted into the Army of the United States.
 - b. His DA Form 20 (Enlisted Qualification Record) shows in:
 - (1) item 31 (Foreign Service): service in Vietnam from 29 January 1970 to 10 April 1971.

(2) item 38 (Record of Assignments): 147th Aviation Company, from 4 February 1970 to 31 March 1971, and he received "excellent" conduct and efficiency ratings.

(3) item 41 (Awards and Decorations) – he was awarded:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Overseas Service Bars (2nd Award)
- Army Commendation Medal
- Aircraft Crew Member Badge
- Air Medal with "V" Device
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

d. On 6 April 1971, he was honorably released from active duty. His DD Form 214 shows:

(1) he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Army Commendation Medal
- Air Medal with "V" Device

(2) Block 30 (Remarks): service in Vietnam from 29 January 1970 to 5 April 1971.

6. His records are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal for the period 3 September 1969 through 6 April 1971.

7. The applicant's record are void of assignment to 214th and 307th Combat Aviation Battalion, 1st Aviation Brigade, Vietnam.

8. DA Pamphlet 672-3 does not list award of the Presidential Unit Citation, Valorous Unit Award, and/or Meritorious Unit Commendation to the 147th Aviation Company, from 4 February 1970 to 31 March 1971, during the period of the applicant's assignments to the unit.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. The applicant served in active duty from 3 September 1969 to 6 April 1971, completing 1 year, 7 months, and 4 days of active service. He completed a tour in Vietnam and received "excellent" conduct and efficiency ratings. His records are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal (1st Award). The Board determined he meets the criteria for this award.

b. The applicant states he was assigned to 147th Aviation Company, 214th and 307th Combat Aviation Battalions, 1st Aviation Brigade, from 3 September 1969 to 6 April 1971. However, his records show he served in Vietnam from 29 January 1970 to 10 April 1971. While in Vietnam, he was assigned to the 147th Aviation Company from 4 February 1970 to on or about 31 March 1971. All his awards/personal decorations were issued by Headquarters, 1st Aviation Brigade, and show he was assigned to 147th Aviation Company, in Vietnam. DA Pamphlet 672-3 does not list award of the Presidential Unit Citation, Meritorious Unit Commendation, or Valorous Unit Award to the 147th Aviation Company, from 4 February 1970 to 31 March 1971, during the period of the applicant's assignments to the unit.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the correction addressed in Administrative Note(s) below, 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 the applicant, the Army Good Conduct Medal for service during the period 3 September 1969 through 6 April 1971
- Adding award of the Army Good Conduct (1st Award) to his DD Form 214

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 adding the Presidential Unit Citation, Valorous Unit Award, or Meritorious Unit Commendation to his DD Form 214.

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):

A review of the applicant's records show he was awarded or authorized the following awards not reflected on his DD Form 214. As a result, amend his DD Form 214 to show:

- Aircraft Crewmember Badge
- Army Commendation Medal (3rd Award) with "V" Device
- Air Medal with Numeral "4" and with "V" Device
- Air Medal with Numeral "5" through "28"
- three bronze service stars to his previously issued Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation (2nd Award)
- Republic of Vietnam Civil Actions Honor Medal First Class

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. 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 the unit to which the applicant was assigned was cited for award of the:
 - a. Republic of Vietnam Gallantry Cross with Palm Unit Citation, 15 December 1969 to 10 October 1970, Department of the Army General Orders (DAGO) 52, dated 1971.
 - b. Republic of Vietnam Civil Actions Honor Medal First Class, 1 May 1969 to 15 May 1970, DAGO 55, 1971.
3. Army Regulation 600-8-22 (Military Awards) provides:
 - a. A bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign.
 - b. The Presidential Unit Citation (known as the Distinguished Unit Citation until 3 November 1966) is awarded for extraordinary heroism in action. A unit must display such gallantry, determination, and esprit de corps in accomplishing its mission as would warrant award of the Distinguished Service Cross to an individual.
 - c. The Valorous Unit Award is awarded for extraordinary heroism in action against an armed enemy of the United States while engaged in military operations involving conflict with an opposing foreign force or while serving with friendly foreign forces engaged in an armed conflict in which the United States is not a belligerent party for actions occurring on or after 3 August 1963. This award requires a lesser degree of gallantry, determination, and esprit de corps than required for the Presidential Unit Citation. Nevertheless, the unit must have performed with marked distinction under difficult and hazardous conditions in accomplishing its mission so as to set it apart from and above other units participating in the same conflict. The degree of heroism required is the same as that which would warrant award of the Silver Star to an individual.
 - d. The Meritorious Unit Commendation is awarded to units for exceptionally meritorious conduct in the performance of outstanding services for at least 6 continuous months during the period of military operations against an armed enemy occurring on or

after 1 January 1944. Units based in the continental United States are excluded from this award, as are other units outside the area of operations.

4. 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.

5. 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. In item 24, enter from section 9, all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

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//