

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 July 2024

DOCKET NUMBER: AR20230014003

APPLICANT REQUESTS:

- an upgrade of his Bronze Star Medal with "V" Device to the Medal of Honor
- a personal appearance before the Board

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

- Two DD Forms 149 (Application for Correction of Military Record), 5 September 2023 and 11 December 2023
- Three Self-Authored Statements, 30 August 2023, 5 December 2023, and 11 January 2023
- Excerpt of U.S. Army Vietnam Form 157-R (Recommendation For Award), 8 June 1970
- General Orders (GO) Number 9739, Headquarters (HQ), 1st Cavalry Division (Airmobile) (AM), 7 June 1970
- DA Form 4980-5 (Bronze Star Medal Certificate), 7 June 1970
- Two HQ, 1st Cavalry Division (AM), After Action Report, 31 July 1970 and 14 November 1970
- DA Form 4980-14 (Army Commendation Medal Certificate), 30 June 1970
- U.S. Army and Joint Services Environmental Support Group Letter, 8 September 1988
- DD Form 215 (Correction to DD Form 214), 20 April 2004
- Letter, Applicant to WM____, 15 January 2023
- Letter from WM, 29 December 2023
- Excerpt, Chapter 10: The First Team
- Excerpt, General Training Aid 21-4 "Scout Dogs"
- Fort Benning Circular 426 "Briefing Guide for Scout Dog Handlers"
- Cambodia Campaign 29 April 1970 – 22 July 1970, Wikipedia, 2010
- First Team Battle History
- Delta 1/5 Roster, 5 April 2015
- Congressional Email and Correspondence, 2023

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 has been in contact with his congressman since 2015 concerning his requests.

a. In Vietnam he was a member of the 25th Scout Dog Platoon and they were attached to the 1st Cavalry Division. Because of his job he worked with many different infantry companies and no one knew him and he did not know anyone. He was always assigned to the 25th Scout Dog Platoon.

b. He was awarded the Bronze Star Medal with V Device while he was working with Alpha Company, 1st Battalion, 5th Cavalry Regiment, 1st Cavalry Division. He only worked with Alpha Company Commander GWM who does not remember the names of any of those who were involved. He questions the requirement of the commander's recommendation for the award if the commander cannot remember the names. The commander was in the company area and far away from the action. The applicant was on point and the commander was in the middle of the company. The commander does not remember the narrative description on the Bronze Star Medal with V Device approval but those were his words at the time.

c. Later, his Senator's Constituent Representative, LP and he discussed his combat record and she told him he had a very distinguished combat record and mentioned he could possibly merit a Medal of Honor. The U.S. Army Human Resources Command (HRC) Awards and Decorations Branch sent him information and suggested he contact the National Archives. He received documents from the National Archives pertaining to the incident on 1 June 1970 when he was awarded the Bronze Star Medal with V Device, but there was no record of the incident on 30 June 1970 when he climbed into a burning helicopter to save the door gunner and kept the pilot's body from being burned with the rest of the crew who perished.

d. On the afternoon of 1 June 1970, he was told he was being put in for a medal. His unit attacked a bunker complex where 3rd Platoon had been pinned down three times that day. The first two times he was awarded the Bronze Star Medal with V Device. Artillery was called in and his unit attacked again only to have more men wounded. Then a tactical air strike was called in and they finally overran the bunker complex. The Bronze Star Medal with V Device makes no mention of the fact that his duty was as a dog handler. He returned the dog to the security of the company and moved out with the point element of 2nd Platoon to support 3rd Platoon. This fact

demonstrates that his actions were above and beyond his call of duty as a dog handler. The citation does not mention this fact.

e. The only eyewitness account he knew was JEG, another experienced dog handler who died 3 years ago. His Bronze Star Medal with V Device was signed by Major General (MG) GWC on 7 June 1970 and he was killed in a helicopter crash on 7 July 1970. Due to the passage of time, he gave up on completing the DA Form 638 due to requirements of finding people he never knew and making it impossible to fill out the form.

f. In 2015 he contacted his Senator to obtain records so he could be given a draft classification of 4F. He suffered brain damage when he was 12 years of age from a bike accident. He should not have been in the Army in the first place. He was given a 1A rating and forced into the Army. The Army should owe him significant compensation.

3. The applicant provided a second self-authored statement, dated 5 December 2023, in which he inquired on the status of his application and he outlined the actions he took to appeal to the ABCMR for an upgrade of his Bronze Star Medal with V Device to the Medal of Honor.

4. The applicant provides:

a. A USARV Form 157-R, approved and dated 8 June 1970, with the narrative reason for a recommendation for an unnamed award, reading, "When the 3rd plat [platoon] of A Co 1/5 made contact with 6 NVA [North Vietnamese Army] in bunkers and slit trenches two men were wounded and the platoon was pinned down. [Applicant] was working with the 2nd Platoon at the time in another area. He returned his dog to the security of the old company perimeter and moved out with the point element of the 2nd Platoon to support the 3rd Platoon. [Applicant] moved up to the point of contact drawing the enemy fire so the 3rd Platoon could pull out their wounded and pull out of the area for the subsequent Air Strike and Artillery. His personal bravery contributed greatly to saving the lives of the wounded men as well as the other members of the pinned down platoon. These were the words of the Company Commander for Alpha Company 1/5, as taken from a letter sent to this unit."

b. GO Number 9739, issued by HQ, 1st Cavalry Division (AM), dated 7 June 1970, awarding him the Bronze Star Medal with V Device for heroism on 1 June 1970.

c. A DA Form 4980-5 BSM Certificate, dated 7 June 1970 reflecting the Bronze Star Medal was awarded to him for heroism in ground combat on 1 June 1970. This certificate is signed by MG GWC on 7 June 1970.

d. An Operational Report for the Quarterly Period ending 31 July 1970, outlining in part, the actions of 1st Brigade, 5th Cavalry for the period 20 May to 30 June 1970, and listing the weapons and supplies confiscated from enemy forces.

e. A DA Form 4980-14 ARCOM Certificate, reflecting the ARCOM was awarded to him for heroism on 30 June 1970. The Certificate is signed by MG GWP, 4 September 1970.

f. An Operational Report issued from HQ, 1st Cavalry Division (AM), outlining in part, the significant actions of 1st Cavalry Division (AM) in Cambodia from 1 August 1970 to 31 October 1970.

g. A letter from the U.S. Army and Joint Services Environmental Support Group, dated 8 September 1988, responding to his request for information regarding his post-traumatic stress disorder (PTSD). It advised him to apply for disability through his local Veteran's Administration.

h. A DD Form 215, dated 20 April 2004, showing his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) was amended to show certain awards omitted from it.

i. Two letters from WM, a Soldier who served with him to the applicant, dated 29 December 2022 and 15 January 2023, noting he did not recall details of the specific incidents about which the applicant requested a witness statement.

j. An excerpt from Chapter 10 titled "The First Team" of an unattributed book.

k. An excerpt from General Training Aid 21-4, U.S. Army Vietnam, titled "Scout Dog Platoon."

l. Fort Benning Circular 426, Briefing Guide for Scout Dog Handlers.

m. A Wikipedia Free Encyclopedia paper titled "Cambodian Campaign." It notes, in part, the "First Team" was first into Cambodia on 1 May 1970.

n. A web printout outlining the First Team battle history in Cambodia.

o. A Delta 1/5 Roster from the web.

p. Congressional correspondence and email, inquiring about the process of his case and discussing his appeal to the ABCMR.

5. A review of the applicant's service records show:

a. On 9 April 1969, he enlisted in the Regular Army. He was awarded military occupational specialty 11B (Light Weapons Infantryman).

b. On 11 May 1970, he was assigned to 25th Infantry Platoon (Scout Dog).

c. On 7 June 1970, HQ, 1st Cavalry Division issued GO Number 9739, awarding him the Bronze Star Medal for Heroism with a date of action of 1 June 1970. The citation reads, "For heroism in connection with ground operations against a hostile force in the Republic of Vietnam. [Applicant] distinguished himself by valorous action on 1 June 1970 when his unit became engaged with a determined enemy force, with complete disregard for his own safety, he exposed himself to the intense hostile fire as he moved forward to the point of heaviest contact and began placing a heavy volume of suppressive fire upon the insurgent forces. His actions were an inspiration to the other members of his unit and were instrumental in the successful completion of the mission. His display of personal bravery and devotion to duty is in keeping with the highest traditions of the military service, and reflects great credit upon himself, his unit, and the United States Army."

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

(1) item 33 (Appointments and Reductions) – no reductions; with the exception he was temporarily promoted to corporal/E-4 to attend the Candidate Brigade, but reverted to private first class on 10 October 1969; the highest grade/pay grade he was promoted to was specialist 4/E-4;

(2) item 38 (Record of Assignments) – he received all "excellent" conduct and efficiency ratings during his active service;

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

- National Defense Service Medal
- Vietnam Service Medal
- Bronze Star Medal
- Combat Infantryman Badge
- Republic of Vietnam Campaign Medal with device (1960)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)

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

e. On 12 December 1970, he was honorably released from active duty. His DD Form 214 shows in:

- (1) item 5a and item 5b (Pay Grade) – specialist 4/E-4;
- (2) item 11c (Reason and Authority) – Army Regulation 635-200, Paragraph 6-6c SPN 227, (Hardship);
- (3) item 22a(1) (Net Service This Period) – 1 year, 8 months, and 3 days;
- (4) item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) – he was awarded or authorized:
 - National Defense Service Medal
 - Bronze Star Medal
 - Vietnam Service Medal
 - Republic of Vietnam Campaign Medal with device (1960)
- (5) item 26a (Non-Pay Periods Time Lost (Preceding Two Years)) – none; and
- (6) item 30 (Remarks) – in part, no record of time lost or court-martial convictions.

f. On 20 April 2004, he was issued a DD Form 215, amending his DD Form 214 to show:

- ARCOM with V Device
- Bronze Star Medal with V Device
- Combat Infantryman Badge
- Republic of Vietnam Campaign Medal with Device (1960)
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Valorous Unit Award
- Vietnam Service Medal with three bronze service stars
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

7. On 22 May 2014, the Awards and Decorations Branch (ADB), HRC responded by memorandum to his U.S. Senator, advising him to inquire with the National Archives to obtain more information in his quest for upgrading his Bronze Star Medal with V Device to the Medal of Honor.

8. On 17 November 2014, the ADB, HRC responded directly to the applicant by memorandum, advising him to complete a DA Form 638 (Recommendation for Award) with endorsements from his wartime chain of command, for an upgrade of his Bronze Star Medal with V Device to the Medal of Honor.

9. On 10 March 2015, the ADB, HRC responded directly to the applicant by memorandum, requesting he provide a reconstructed DA Form 638 with the signature of an individual with firsthand knowledge of his actions, and with former wartime chain of command endorsements.

10. On 25 July 2023, the ADB, HRC responded directly to the applicant by memorandum. The ADB further provided a copy of his request to his U.S. Senator. It reads, in part:

(1) We remain unable to facilitate your request. We must comply with Army Regulation 600-8-22 (Military Awards) concerning the proper completion and formatting of retroactive award recommendations. As stated in our previous correspondence, per the enclosed resource handout (enclosed), we cannot proceed with the recommendation without a fully executed packet (copies of which must be complete and legible).

(2) If you do not agree with our regulatory requirements, your next course of action is to appeal this decision to the highest appellate authority on personnel matters. You may contact the Army Board for Correction of Military Records (ABCMR) by completing a DD Form 149 (Application for Correction to Military Record) and following the submission instructions on the form (enclosed). Reconsiderations must be forwarded to ABCMR through the appellate process. We recommend providing this and all prior correspondence from this Command to demonstrate you have exhausted all available administrative remedies.

BOARD DISCUSSION:

1. The Board determined 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.

2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. The evidence of record shows the applicant was awarded the Bronze Star Medal with V Device for heroic action on 1 June 1970. He distinguished himself when his unit became engaged with an enemy force, with complete disregard for his own safety, he exposed himself to the intense hostile fire as he moved forward to the point of heaviest contact and began placing a heavy volume of suppressive fire on the enemy.

b. The Board noted that by regulation, a request for reconsideration or the appeal of a disapproved or downgraded award or a request for an upgrade of a previously approved recommendation must be placed in official channels within 1 year from the date of the awarding authority's decision. A one-time reconsideration by the award approval authority will be conclusive. The applicant's award is dated 7 June 1970 for heroism that occurred on 1 June 1970.

c. The Board also noted that the Army does not allow self-recognition, meaning that a Soldier may not recommend themselves for award of a decoration. Only the award recommender or someone in the approving chain of command may request reconsideration of an approved award. Requests for reconsideration or appeal must be forwarded through the same official channels as the original recommendation. In the applicant's case, the applicant was advised by the Awards and Decorations Branch on multiple occasions of the process to submit a complete request for an award upgrade under 10 USC, section 1130, specifically that a reconstructed recommendation must include a DA Form 638 signed by an individual with firsthand knowledge of his actions.

d. Since the Army does not allow self-recognition, and since the applicant has not submitted a fully executed packet, specifically, a DA Form 638 signed by an individual with firsthand knowledge of his actions, the Board found insufficient evidence to forward his packet to the Army Decorations Board for consideration.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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.

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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.

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.

a. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing (sometimes referred to as an evidentiary hearing or an administrative hearing) or request additional evidence or opinions. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. 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 Medal of Honor is awarded by the President in the name of Congress to a person who while a member of the Army distinguishes himself or herself conspicuously by gallantry and intrepidity at the risk of his or her life above and beyond the call of duty while engaged in an action against an enemy of the United States. The regulation provides that the deed performed must have been one of personal bravery or self-sacrifice so conspicuous as to clearly distinguish the individual above his comrades and must have involved the risk of life. Further, the regulation requires that "incontestable proof" of the performance of the service will be exacted and each recommendation for this decoration will be considered on the standard of extraordinary merit.

b. The Distinguished Service Cross is awarded to a person, who while serving in any capacity with the Army, distinguishes himself or herself by extraordinary heroism while engaged in action against an enemy of the United States not justifying award of the Medal of Honor. The act or acts of heroism must have been so notable and have involved risk of life so extraordinary as to set the individual apart from his or her comrades.

c. The Silver Star is awarded for gallantry in action against the enemy. The required gallantry (spirited and conspicuous acts of heroism and courage) must have been performed with marked distinction. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

4. Army Regulation 635-5 (Separations Documents), in effect at the time, prescribed the separation documents that would be furnished each individual who is separated from the Army. It 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, and orders. A DD Form 214 would be furnished at the time of separation to each member of the Regular Army. In item 24 (Decorations, Badges, Commendations, Citations, and Campaign Ribbons

Awarded or Authorized), enter from DA Form 20 all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

//NOTHING FOLLOWS//