

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 August 2024

DOCKET NUMBER: AR20230014287

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

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending 7 December 1971
- United States National Archives & Records Administration, award of the Bronze Star Medal printout, 21 April 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 was recommended for award of the Bronze Star Medal on 15 January 1970. As a Soldier of color during Vietnam was not always recognized as equal as their white counterparts. He has included a record of this award and his grade as sergeant first class/E-7. When information is uncovered to correct an injustice, it should be done no matter the time.
3. A review of the applicant's service record shows:
  - a. He enlisted in the Regular Army on 13 December 1968.
  - b. His DA Form 20 (Enlisted Qualification Record) shows in item 31 (Foreign Service): Vietnam from 2 June 1969 to 5 June 1970 and Germany from 12 July 1970 to 2 December 1971. Also, item 41 (Awards and Decorations) of his DA Form 20 does not show the Bronze Star Medal.

c. His DA Form 20 shows he received excellent conduct and efficiency ratings throughout his period of active service.

d. On 7 December 1971, he was honorably released from active duty. His DD Form 214 shows he completed 2 years, 11 months, and 25 days of active service. It also shows in item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal
- Two Overseas Service Bars
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

4. His service record does not contain orders awarding him the Bronze Star Medal.

5. A review 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 the U.S. Army Human Resources Command, failed to reveal any orders for award of the Bronze Star Medal pertaining to the applicant.

6. The applicant provides a printout from the U.S. National Archives & Records Administration dated 21 April 2023 which shows recommended award of the Bronze Star Medal on 15 January 1970.

7. By regulation, 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.

8. His record does not contain orders awarding him the Army Good Conduct Medal. His record also does not contain any derogatory information such as lost time or conviction by a court-martial that disqualified him from receiving this medal.

#### BOARD DISCUSSION:

1. 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. Bronze Star Medal: Deny. Award of the Bronze Star Medal requires a formal recommendation, approval through the chain of command, and announcement in orders. In the absence of such evidence, the Board determined there is insufficient evidence to grant him the requested relief.

b. Army Good Conduct Medal: Grant. The Board also noted that the applicant served continuously on active duty from 13 December 1968 to 7 December 1971, completing 2 years, 11 months, and 25 days of active service with no lost time. He received excellent conduct and efficiency ratings. His record does not reflect any lost time or any derogatory information that would have disqualified him from receiving his first award of the Army Good Conduct Medal, or a commander's disqualifying memorandum for this award. The Board determined he met the criteria to be awarded the Army Good Conduct Medal (1st Award).

2. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

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 13 December 1968 through 7 December 1971
- Adding awards 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 award of the Bronze Star Medal.



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 is authorized additional awards not reflected on his DD Form 214. As a result, amend his DD Form 214 to show:

- four bronze service stars to his previously awarded Vietnam Service Medal
- Meritorious Unit Commendation

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 prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. It is the responsibility of any individual having personal knowledge of an act, achievement, or service believed to warrant the award of a decoration, to submit a formal recommendation into military command channels for consideration. The Army does not condone self-recognition; therefore, a Soldier may not recommend himself/herself for award of a decoration.

b. The BSM 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.

c. Paragraph 3-1 of Army Regulation 600-8-22 provides, in part, that the decision to award an individual a decoration and the decision as to which award is appropriate are both command decisions by the commander having award approval authority. Individual awards for service or achievement are intended to recognize significant contributions to the mission accomplishment, readiness, effectiveness, morale or esprit de corps of a unit or organization. Recommendations for awards must be justified by specific achievements, contributions or other notable impacts. The award should reflect both the individual's level of responsibility and manner of performance. Exceptional command or leadership at any level, in and of itself, may be considered meritorious achievement or service. Ultimately, individual awards for service or achievement will be performance based. Award approval authorities may make award decisions without referral to a local awards board. Awards boards are optional and are at the discretion of the approval authority. The regulation further states that rank/grade will not be a factor in determining the type or level of recognition, nor will any quotas be established limiting the number of awards that may be recommended or approved. No award is automatic and preconditions for an award may not be established.

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, 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.

//NOTHING FOLLOWS//