

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 June 2024

DOCKET NUMBER: AR20230014568

APPLICANT REQUESTS: on behalf of her deceased husband, a former service member (SM), correction of his DD Form 214 (Report of Separation from Active Duty), for the period ending 31 March 1975, to show award of the Bronze Star Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4980-5 (Bronze Star Medal Certificate), dated 7 December 1971
- Certification of Marriage, dated 31 March 1998
- Marriage Record, Florida, dated 1 April 1998
- Certification of Death, dated 16 August 2023

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 the Bronze Star Medal is not on her husband's DD Form 214. He earned this on his record.
3. The SM enlisted in the Regular Army on 29 June 1954, for a 3-year period. Upon completion of his initial entry training, he was awarded the military occupational specialty 311.60 (Infantry Communications Specialist). He subsequently reenlisted on 26 April 1955, 22 August 1964, 22 July 1968, and 3 June 1971. The highest rank he attained was sergeant first class/E-7.
4. The SM served in the Republic of Vietnam on the following dates: 16 March 1966 to 16 March 1967 and 3 February 1971 to 17 January 1972
5. The SM was honorably retired from active duty on 31 March 1975. His DD Form 214 shows he was credited with 20 years, 4 months, and 5 days of active service. Item 13

(Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) shows he was awarded or authorized the following:

- Republic of Vietnam Gallantry Cross
- National Defense Service Medal (2nd award)
- Staff Service Honor Medal (2nd Class)
- Republic of Vietnam Campaign Medal with 60 Device
- Good Conduct Medal (4th award)
- Senior Parachute Badge
- Vietnam Service Medal
- Purple Heart
- Overseas Service Bars (3)

6. The SM's service record does not contain documentation awarding him the Bronze Star Medal. However, the applicant did provide an award certificate showing the FSM's name and SSN as the awardee of the BSM.

7. The applicant provides the following:

a. A Bronze Star Medal Certificate, awarded to the SM, on 7 December 1971, for meritorious achievement in ground operations against hostile forces in the Republic of Vietnam from February 1971 to February 1972. The certificate states the award was authorized by Executive Order, dated 24 August 1962. There is no General Order available for this award.

b. A Certificate of Marriage, dated 31 March 1998, Marriage Record, dated 1 April 1998, and Certification of Death, dated 16 August 2023, are provided to establish the applicant's relationship to the SM and eligibility as the claimant.

8. By regulation, the Bronze Star Medal is awarded in a time of war for heroism, 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, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The SM served in Vietnam from 16 March 1966 to 16 March 1967 and from 3 February 1971

to 17 January 1972. His service record does not contain orders awarding him the Bronze Star Medal. However, the applicant provides a Bronze Star Medal Certificate, awarded to the SM, on 7 December 1971, for meritorious achievement in ground operations against hostile forces in the Republic of Vietnam from February 1971 to February 1972. The period of this award is consistent with the applicant's service in Vietnam. The Board accepted the certificate as sufficient evidence to add the Bronze Star Medal to his DD Form 214.

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 that the evidence presented was 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 adding the Bronze Star Medal to his DD Form 214.

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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, USC, 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) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. Paragraph 3-16 provides, 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.

//NOTHING FOLLOWS//