

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 August 2024

DOCKET NUMBER: AR20230015008

APPLICANT REQUESTS:

- correction of the deceased former servicemember's (SM) record to show he was awarded the Bronze Star Medal (BSM)
- a video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- WD AGO Form 53-55 (Enlisted Record and Report of Separation Honorable Discharge)
- Certificate of Death
- Non-Medical Emergency Evacuation Document
- BSM Document
- Picture of SM's Medals

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 SM's complete military service records are not available to the Board for review. A fire at the National Personnel Records Center, St. Louis, MO in 1973 destroyed 80 percent of the records of Army personnel who were discharged from 1 November 1912 - 1 January 1960. It is believed that the SM's records may have been lost or destroyed in that fire. The documents available are sufficient for the Board to conduct a fair and impartial review of this case.
3. The applicant, the SM's son, states, the SM was awarded the Combat Medical Badge, which was changed to the BSM in 1947 and he earned a separate BSM (pro active 7 December 1941 - 2 September 1945). The awards are not reflected on his DD Form 214 [WD AGO Form 53-55 (Enlisted Record and Report of Separation)]. SM

has since passed away and the applicant wants the awards to be reflected on the SM's headstone by having his DD Form 214 updated to reflect the medals.

4. The applicant provides a document which explains the background and criteria for receipt of the BSM and a picture showing the SM's awards.

5. The SM's service record contains the following documents:

a. General Orders 4, 26 June 1944, awarded the SM the Purple Heart for wounds received in action on 6 June 1944.

b. WD AGO 53-55 shows the SM enlisted in the Army on 17 February 1941 and was honorably discharged on 20 January 1946. He departed for service in Europe on 21 October 1943 and arrived on 2 November 1943. He was in the Normandy battle/campaign. His total length of service was 3 years, 9 months, and 22 days with 1 year, 1 month, and 22 days of foreign service. He had no lost time. He was awarded or authorized the:

- American Defense Ribbon
- American Theater Ribbon
- European-African Middle Eastern Theater Ribbon with on Bronze Service Star
- Army Good Conduct Metal
- Purple Heart
- Victory Medal

#### 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 Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The evidence of record shows the applicant was wounded in action on 6 June 1944 while serving in France as depicted in his award of the Purple Heart. The Board was convinced by the applicant's assertion that he was awarded the Combat Medical Badge as a Dental Technician and noted the regulatory guidance in effect at the time allowed for award of the Bronze Star Medal to individuals who were authorized the Combat Medical Badge for service during WWII.

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 the evidence presented is sufficient to warrant 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 Bronze Star Medal for meritorious achievement in ground operations against hostile forces on 6 June 1944
- adding the Bronze Star Medal to the applicant's WD AGO 53-55, for the period ending 20 January 1946

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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 600-8-22 (Military Awards) states the BSM is awarded for heroism and for meritorious achievement or service in military operations against an armed enemy. The BSM is authorized for each individual who was cited in orders or awarded a certificate for exemplary conduct in ground combat between 7 December 1941 and 2 September 1945 or whose achievement or service, during that period, was confirmed by documents executed prior to 1 July 1947. An award of the Combat Infantryman Badge or the Combat Medical Badge is considered to be a citation in orders. Therefore, the BSM is to be awarded to individuals who were authorized either badge for service during WWII.
  
3. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that 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.

//NOTHING FOLLOWS//