

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 August 2024

DOCKET NUMBER: AR20230015115

APPLICANT REQUESTS:

- Correction to his DD Form 214 (Certificate of Release or Discharge from Active Duty), period ending on 20 November 1980, to reflect his Air Medal with "V" Device
- Correction to his retirement DD Form 214, period ending 1 January 1988, to reflect his Meritorious Service Medal, First Oak Leaf Cluster (1OLC)

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

- DD Form 149 (Application for Correction of Military Record)
- Headquarters, 1st Aviation Brigade General Orders 7304\
- Headquarters, 101st Airborne Division (Air Assault) and Fort Campbell Permanent Orders 027-067
- Two DD Forms 214

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, in effect, there were errors in transferring his awards to his DD Forms 214. His Air Medal with V Device was not transferred on to his DD Form 214, covering the period of 1 October 1975 through 20 November 1980. Also, his Meritorious Service Medal (MSM) (1OLC) was not transferred on to his retirement DD Form 214 [sic].
3. The applicant provides:
 - a. Headquarters, 1st Aviation Brigade General Orders 7304, dated 21 July 1970, reflects the applicant was awarded the Air Medal (Second Award) with "V" Device for

heroism while engaged in aerial flight in connection with military operations against a hostile force on 11 April 1970 in the Republic of Vietnam.

b. Headquarters, 101st Airborne Division (Air Assault) and Fort Campbell Permanent Orders 027-067, dated 10 February 1988, reflects the applicant was awarded the Meritorious Service Medal (First Oak Leaf Cluster) for meritorious service from 15 December 1985 thru 31 January 1988.

c. Two DD Forms 214 as follows:

(1) Covering the period of 19 September 1967 through 30 September 1975, U.S. Army Reserve, Captain (CPT)/O-3, honorably relieved from active duty, he served 8 years and 12 days of net active service this period and 10 months and 10 days of prior active service. Item 26 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) reflect:

- Bronze Star Medal (1OLC)
- Air Medal with "V" Device and 29th Oak Leaf Cluster
- Army Commendation Medal
- Vietnam Service Medal with four Campaign Stars
- Republic of Vietnam Campaign Medal with 60 Device
- Army Aviator Badge
- National Defense Service Medal
- 2 Overseas Bars
- Expert Badge (.38 Cal Pistol) (Rifle M14, M16A1)
- Republic of Vietnam Cross of Gallantry with Palm

(2) Covering the period of 1 October 1975 through 20 November 1980, U.S. Army / Aviation, Chief Warrant Officer, Three (CW3)/W-3, honorably separated to continue on active duty (AD) in another state, AR 635-100, chapter 3, section XXVI, accept commission in the Army, he served 5 years, 1 month, and 20 days of net active service this period and 8 years, 10 months, and 22 days of total prior active service. It also shows:

(aa) Item 13 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized):

- National Defense Service Medal
- Army Aviator's Badge
- Vietnam Service Medal
- Vietnam Campaign Medal
- Air Medal (29 Award)
- Bronze Star Medal (1OLC)

- 2 Oversea Service Medal
- Army Commendation Medal (1OLC)
- Meritorious Service Medal
- Vietnam Cross of Gallantry with Palm
- Sr Army Aviator's Badge
- Armed Forces Expeditionary Medal (Korea)
- Armed Forces Reserve Medal

(bb) Item 21 (Signature of Member Being Separated) contains the applicant's signature.

4. The applicant's complete military records are not available to the Board for review. A complete and thorough search for his military records was conducted; however, they could not be located. In addition, the applicant did not provide a copy of his DD Form 214 for the period ending on 1 January 1988. Therefore, this case is being considered based on the documents that were provided by the applicant.

5. Army Regulation 635-5 (Personnel Separations – Separations Documents) prescribes the separation documents that must be prepared for Soldiers on retirement, discharge, release from active-duty service, or control of the Active Army. It establishes standardized policy for preparing and distributing the DD Form 214 (Certificate of Release or Discharge from Active Duty).

BOARD DISCUSSION:

1. 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 and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined there is sufficient evidence to correct the applicant's record by adding to his DD Form 214 his retirement award, the Meritorious Service Medal (MSM). The Board noted that Headquarters, 101st Airborne Division (Air Assault) and Fort Campbell Permanent Orders 027-067, dated 10 February 1988, reflects the applicant was awarded the Meritorious Service Medal (First Oak Leaf Cluster) for meritorious service from 15 December 1985 thru 31 January 1988. Based on this, the Board granted relief.

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:

In addition to the administrative notes annotated by the Analyst of Record (below the signature), the Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending his DD Form 214 by awarding him the Meritorious Service Medal (1 Oak Leaf Cluster (OLC)).

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 record shows his DD Form 214, for the period ending on 20 November 1980, should be amended as follows: Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized):

- (remove) Air Medal (29 Award)
- (add) Air Medal with "V" Device and 29th Oak Leaf Cluster

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 635-5 (Personnel Separations – Separations Documents) prescribes the separation documents that must be prepared for Soldiers on retirement, discharge, release from active-duty service, or control of the Active Army. It establishes standardized policy for preparing and distributing the DD Form 214 (Certificate of Release or Discharge from Active Duty).

a. Paragraph 2-4h(13) Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized. List awards and decorations for all periods of service in the priority sequence specified in AR 600-8-22. Each entry will be verified by the Soldier's records.

b. Paragraph 2-4h (21) Signature indicates a soldier has reviewed the form and accept the information as being correct to the best of their knowledge. Request Soldier sign the original in ink using a ballpoint pen, ensuring signature goes through on all copies. When soldier is not available (discharged in absentia or physically unable), enter "SOLDIER NOT AVAILABLE TO SIGN." When soldier refuses to sign, enter "SOLDIER REFUSED TO SIGN."

//NOTHING FOLLOWS//