

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 August 2024

DOCKET NUMBER: AR20240000394

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) 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), 26 October 2023
- DA Form 4980-5 (Bronze Star Medal Certificate), 12 October 1969
- Bronze Star Medal Citation, March 1968 to October 1969
- DD Form 214, 27 October 1969

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 awarded a BSM while he was in Vietnam in addition to the awards already listed on his DD Form 214 but due to an administrative error it was not listed.
3. The applicant provides copies of a DA Form 4980-4 reflecting he was awarded a Bronze Star Medal for meritorious achievement on 12 October 1969 while assigned to Vietnam during the period March 1968 to October 1969 and a Bronze Star Medal citation for the same period.
4. The applicant's records contain sufficient evidence to support additional awards not shown on his DD Form 214 and will be listed in the administrative notes section.
5. The Board may consider as a separate and additional issue, his authorization for the Army Good Conduct Medal (First Award) for the period 16 January 1967 to 27 October 1969.
6. A review of the applicant's service records show:

a. On 16 January 1967, he enlisted in the Regular Army.

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

(1) item 29 (Qualification in Arms) – he was awarded:

- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-14)

(2) item 31 (Foreign Service) – U.S. Army Pacific, Vietnam, 31 March 1968 to 26 October 1969;

(3) item 33 (Appointments and Reductions) – no reductions;

(4) item 38 (Record of Assignments) he received all "excellent" conduct and efficiency ratings; while in Vietnam, he participated in five campaigns, and he was assigned to 80th General Support Group from 15 May 1968 to 31 July 1968 and to 43rd ABU from 1 August 1968 to 24 October 1969;

(5) item 41 (Awards and Decorations) –

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-14), and

(6) item 44 (Time Lost Under Section 972, Title 10, U.S. Code and Subsequent to Normal ETS) – no entries.

c. On 27 October 1969, he was honorably released from active duty and transferred to control of the U.S. Army Reserve Control Group (Reinforcement). His DD Form 214 shows in:

(1) item 5 (Grade, Rate or Rank) – specialist/E-4 (Permanent);

(2) item 22a (Net Service This Period) – 2 years, 9 months, and 12 days;

(3) Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) –

- National Defense Service Medal
- Vietnam Service Medal

- Republic of Vietnam Campaign Medal with Device (1960)
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-14)

(4) item 26a (Non-Pay Periods Time Lost (Preceding Two Years)) – none; and

(5) item 30 (Remarks) – in part, no record of court-martial convictions.

7. His records are void of orders awarding him the Bronze Star Medal and are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal (First Award) for the period 16 January 1967 to 27 October 1969.

8. A review of the Awards and Decorations Computer-Assisted Retrieval System, an index of general orders issued during the Vietnam era between 1965 and 1973 maintained by the U.S. Army Human Resources Command Military Awards Branch, failed to reveal any orders for award of the Bronze Star Medal pertaining to the applicant.

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 review based on law, policy, and regulation. The evidence of record shows the applicant served in Vietnam from 31 March 1968 to 4 November 1969. The Board was convinced by the provided Bronze Star Medal Certificate and Citation to warrant the addition of the award on the applicant's DD Form 214.

2. Prior to closing the discussion, the Board noted and concurred with the administrative note below. Additionally, the Board determined the applicant served a qualifying period of service with no evidence of derogatory information and all recorded excellent conduct and efficiency ratings to be awarded the Army Good Conduct Medal (First Award) for the period 16 January 1967 to 27 October 1969.

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 amending his DD Form 214 for the period ending 27 October 1969 by:

- adding the Bronze Star Medal
- adding the Army Good Conduct Medal (First Award)

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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.

ADMINISTRATIVE NOTE(S): The applicant's records contain sufficient evidence to support additional entries not shown on his DD Form 214 and should be administratively corrected to show in:

a. item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) – award of the:

- Meritorious Unit Commendation

- one silver service star and one bronze service star to his previously issued Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)

b. item 30 (Remarks): "Vietnam Service: 31 March 1968 to 25 October 1969."

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

a. 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.

b. The Vietnam Service Medal was awarded to all service members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through 28 March 1973. Qualifying service included attachment to or assignment for 1 or more days with an organization participating in or directly supporting military operations. One bronze service star is authorized with the Vietnam Service Medal for each campaign during which a member was assigned or attached to and present for duty with a unit during the period in which it participated in combat. One silver service star is used to denote service during five campaigns.

c. The Army Good Conduct Medal is awarded to on a selective basis to each Soldier who distinguishes himself or herself from among his or her fellow Soldiers by exemplary conduct, efficiency, and fidelity throughout a specified period of continuous enlisted active Federal military service. There is no right or entitlement to the medal until the immediate commander has approved the award and the award has been announced in permanent orders.

(1) The periods of service of qualifying service are: (1) each 3 years completed on or after 27 August 1940; (2) for the first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; (3) 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; (4) for the first award only, upon termination of service on or after 27 June 1950 of less than 1 year when final separation was by reason of physical disability incurred in line of duty; or (5) for the first award only, for those individuals who died before completing 1 year of active Federal military service or if the death occurred in the line of duty.

(2) Throughout a qualifying period of service, the enlisted Soldier's character must have been above reproach and must meet all of the following criteria for award of the Army Good Conduct Medal as indicated in the Soldier's record: willingly complied with the demands of the military environment, been loyal and obedient to his or her superiors, faithfully supported the goals of his or her organization and the Army, and conducted himself or herself in an exemplary manner as to distinguish him or her from fellow Soldiers.

3. Army Regulation 672-5-1 (Awards), in effect at the time, stated the Army Good Conduct Medal (AGCM) was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940; for the 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.

4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register (January 1960 – February 1986)), in effect at the time, shows:

a. His unit, 80th General Support Group, was awarded:

- Meritorious Unit Commendation by Department of the Army General Orders Number 42, 1969, for the period 18 January 1966 to 25 February 1968

b. He participated in the following campaigns:

- TET Counteroffensive, 30 January 1968 – 1 April 1968
- Vietnam Counteroffensive, Phase IV, 2 April 1968 – 30 June 1968
- Vietnam Counteroffensive, Phase V, 1 July 1968 – 1 November 1968
- Vietnam Counteroffensive, Phase VI, 2 November 1968 – 22 February 1969
- TET 69 Counteroffensive, 23 February 1969 – 8 June 1969
- Vietnam Summer-Fall 1969, 9 June 1969 – 31 October 1969

5. Department of the Army General Orders Number 8, 19 March 1974, confirmed award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Military Assistance Command, and its subordinate units during the

period 8 February 1962 to 28 March 1973 and to Headquarters, U.S. Army Vietnam, and its subordinate units during the period 20 July 1965 to 28 March 1973.

6. Army Regulation 635-5 (Separation Documents), effective 1 February 1967, prescribed the separation documents that would be furnished each individual who was separated from the Army including Active Duty Training personnel and 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, DA Form 66, and orders.

a. In item 24, enter from item 21, DA Form 66 (Officer Qualification Record), or section 9, DA Form 20 (Enlisted Qualification Record) all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

b. In item 30, enter, in part, the inclusive dates of service in Vietnam during current period of service.

//NOTHING FOLLOWS//