

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 August 2024

DOCKET NUMBER: AR20240000451

APPLICANT REQUESTS:

- a. Correction of DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending on 15 May 1972 to show he was awarded the Bronze Service Medal (BSM).
- b. A personal appearance via a video teleconference.

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Certificate of the BSM
- Pictures of the BSM and Army Commendation Medal Certificates and Medals
- DD Form 214 for the period ending 15 May 1972

FACTS:

1. The applicant did not file within the three-year time frame provided in Title 10, United States Code, section 1552(b); however, the 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 wants a correction to his DD Form 214 for the period ending 15 May 1972 to show he was awarded the BSM.
3. The applicant provides:
 - a. A BSM Certificate to show he was awarded the BSM on 1 July 1971 for meritorious achievement in ground operations against hostile forces in the Republic of Vietnam during the period of July 1970 to July 1971.
 - b. Pictures of his BSM and ARCOM Certificates and the medals.
4. A review of the applicant's service record shows the following documents:

a. DD Form 47 (Record of Induction) shows he was inducted into the Army of the United States on 6 February 1969.

b. His DD Form 214 shows he was honorably discharged on 10 November 1969 for immediate reenlistment.

c. DD Form 4 (Enlistment Contract) shows he enlisted in the Regular Army (RA) on 11 November 1969.

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

- Item 31 (Foreign Service): 4Jul69 through 14Nov69 U.S. Army Pacific (USARPAC) – Vietnam 4 months” and from “28 Jul 70 through 27 Jul 71 USARPAC – Vietnam; 12 months”
- Item 38 (Record of Assignments): He was assigned to the following units:
 - Company B, 1st Battalion (Mobile) 5th Infantry, 25th Infantry, USARPAC from 14 July 1969 to 13 November 1969
 - 497th Engineering Company, USARPAC from 14 August 1970 to 23 July 1971
- Item 39 (Campaigns): he participated in four campaigns:
 - Vietnam Summer-Fall 1969, 9 June 1969 – 31 October 1969
 - Vietnam Winter-Spring 1970, 1 November 1969 – 30 April 1970
 - Vietnam Counteroffensive, Phase VII, 1 July 1970 – 30 June 1971
 - Consolidation I, 1 July 1971 – 30 November 1971
- Item 41 (Awards and Decorations): does not reflect the BSM

e. His DD Form 214 for the period ending on 15 May 1972 shows he was honorably discharged and transferred to the USAR. He completed 2 years, 6 months, and 5 days of net service this period, with 1 year, 4 months, and 10 days of foreign service time in USARPAC. It also shows in:

(1) item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) he received the following awards:

- National Defense Service Medal (NDSM)
- Vietnam Service Medal (VSM)
- Combat Infantryman Badge
- ARCOM
- Army Good Conduct Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)

- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
- Vietnam Campaign Medal

(2) Item 30 (Remarks): "Vietnam Service from 4Jul69 – 14Nov69 and 28Jul70-27Jul71".

f. His service record is void of orders showing he was awarded a BSM.

g. His record indicates he is entitled to additional awards that are not shown on his DD Form 214.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. Based upon the provided Bronze Star Medal certificate by the applicant and those service dates aligning with the Vietnam dates of the applicant, the Board concluded there was sufficient evidence to grant relief by adding the Bronze Star Medal to the applicant's DD Form 214.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. 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 the applicant's DD Form 214 by awarding and adding the Bronze Star Medal.
2. Prior to closing the case, the Board noted the administrative notes below from the analyst of record and recommended those changes also be completed to more accurately reflect his military service.

2/5/2025	
X	
CHAIRPERSON <div style="background-color: black; width: 250px; height: 15px; margin-top: 5px;"></div>	

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 shows he is authorized additional awards not listed on his DD Form 214 for the period ending on 15 May 1972. As a result, amend his DD Form 214 by adding the following awards:

- four bronze service stars with the VSM
- RVN Gallantry Cross with Palm Unit Citation
- RVN Civil Actions Honor Medal First Class Unit Citation

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 Army Board for Correction of Military Records (ABCMR) determines it would be in the interest of justice to do so.

2. Army Regulation 600-8-22 (Military Awards) provides policy, criteria, and administrative instructions concerning individual military decorations.

a. The VSM is awarded to all 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. A bronze service star will be authorized for wear on the VSM for participation in each credited campaign. Appendix B shows that during his service in the Republic of Vietnam (RVN), participation credit was awarded for the following eight campaigns:

- Vietnam Summer-Fall 1969, 9 June 1969 – 31 October 1969
- Vietnam Winter-Spring 1970, 1 November 1969 – 30 April 1970
- Vietnam Counteroffensive, Phase VII, 1 July 1970 – 30 June 1971
- Consolidation I, 1 July 1971 – 30 November 1971

b. Chapter 3-16 (BSM) states the BSM is awarded to any person who, while serving in any capacity in or with the Armed Forces of the United States, or a friendly foreign nation, after 6 December 1941, distinguished himself or herself by heroic or 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.

3. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) shows his unit of assignment during his service in Vietnam was cited by Department of the Army General Order (DAGO) Number 8, dated 1974, awarded the RVN 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.

4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) shows his unit of assignment during his service in Vietnam was cited by Department of the Army General Order (DAGO) 6, 1974 for the RVN Civil Actions Honor Medal, First Class for the 497th Engineering Company.

5. Army Regulation 635-5, in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214.

6. Army Regulation 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. Paragraph 2-11 states applicants do not have a right to a formal hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//