

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 October 2024

DOCKET NUMBER: AR20240000817

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 8 September 1968 to show award of the:

- Air Medal with Numeral 2 or greater
- three bronze service stars with his Vietnam Service Medal
- Device (1960) with his Republic of Vietnam Campaign Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- DD Form 214
- DD Form 215 (Correction to DD Form 214), 17 January 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 is entitled to more than one Air Medal, three bronze service stars with his Vietnam Service Medal, Device (1960) with his Republic of Vietnam Campaign Medal, and Republic of Vietnam Gallantry Cross with Palm Unit Citation based on his service in Vietnam.
3. He enlisted in the Regular Army on 16 September 1965.
4. Headquarters, 1st Aviation Brigade General Orders Number 5921, 13 December 1967, awarded him the Air Medal for meritorious achievement while participating in aerial flight in the Republic of Vietnam from 13 October 1967 to 10 November 1967.

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

a. item 31 (Foreign Service), he received overseas tour credit for service in Vietnam from 2 October 1967 through 7 September 1968;

b. item 38 (Record of Assignments), he was assigned to the 135th Aviation Company, Vietnam, as a helicopter mechanic from 29 September 1967 through 4 September 1968; and

c. item 41 (Awards and Decorations), he was awarded or authorized the:

- National Defense Service Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
- Sharpshooter Marksmanship Qualification Badge with Pistol Bar (.38 Caliber)
- Vietnam Service Medal
- Air Medal (1st Award)
- Aircraft Crewman Badge
- Army Good Conduct Medal (1st Award)
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)

6. He was honorably released from active duty on 8 September 1968 and transferred to the U.S. Army Reserve Control Group (Reinforcement). He completed 2 years, 11 months, and 23 days of total active service during this period, including 11 months and 6 days of foreign service.

a. Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) of his DD Form 214 shows he was awarded or authorized the:

- National Defense Service Medal
- Republic of Vietnam Campaign Medal
- Aircraft Crewman Badge
- Vietnam Service Medal
- Air Medal
- Army Good Conduct Medal

b. Item 30 (Remarks) of his DD Form 214 does not show his inclusive dates of service in Vietnam.

7. His records contain no orders or other evidence indicating he was awarded any additional Air Medals.

8. On 17 January 1969 he was issued a DD Form 215 (Correction to DD Form 214) correcting the spelling of his first name.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, 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, available military records, the Board determined the applicant's record is absent any supporting documentation showing an additional award for an Air Medal (2OLC). This board is not an investigative body. The Board determined despite the absence of the applicant's flight records, they agreed the burden of proof rest on the applicant, however, he did not provide any supporting documentation and his service record has insufficient evidence to support the applicant contentions of award of a second air medal. Based on this, the Board denied 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:

Except for the correction addressed in Administrative Note(s) below, the Board found the evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

[REDACTED]

[REDACTED]

[REDACTED]

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 is authorized administrative correction of his DD Form 214 for the period ending 8 September 1968 without Board action to show in:

- item 24 –
  - four bronze service stars with his Vietnam Service Medal
  - Device (1960) with his Vietnam Campaign Medal
  - Republic of Vietnam Gallantry Cross with Palm Unit Citation
- item 30 – "Vietnam – 2 Oct 67 through 7 Sep 68, Indochina – Yes, Korea – No."

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 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 will decide cases on the evidence of record; it is not an investigative body. The ABCMR begins its consideration of each

case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. Army Regulation 95-1 (Flight Regulation) provided guidance for aircraft operations, crew requirements, and flight rules. The regulation specifies that each crew member must present his or her individual flight records to the unit of assignment. The flying experience and qualification data for each rated crew member and flight surgeon in aviation service and each non-rated crew member will be documented on several forms, among which are the DA Form 759 and the DA Form 759-1. The "Mission Symbol" column on the DA Form 759-1 lists a single character to identify the type of mission performed. During the Vietnam War, the following mission symbols were used:

Mission Symbol	Service Missions
A	Acceptance Test Flight
F	Maintenance Flight
S	Service Mission
T	Training Flight
X	Experimental Test Flight
C	Combat Mission

4. Army Regulation 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The Air Medal is awarded in time of war for heroism and for meritorious achievement or service while participating in aerial flight. This award is primarily intended for personnel on flying status but may also be awarded to those personnel whose combat duties require them to fly; for example, personnel in the attack elements of units involved in air-land assaults against an armed enemy. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required. Numerals, starting with 2, will be used to denote second and subsequent awards of the Air Medal.

b. The Vietnam Service Medal was awarded to all service members of the U.S. Armed Forces 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 is authorized with the Vietnam Service Medal for each Vietnam campaign a member is credited with participating in. Appendix B shows that during the applicant's service in Vietnam, participation credit was awarded for the following campaigns:

- Vietnam Counteroffensive Phase III – 1 June 1967-29 January 1968
- 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
  - c. The Republic of Vietnam Campaign Medal with Device (1960) was awarded by the Government of the Republic of Vietnam to service members of the U.S. Armed Forces who served in the Republic of Vietnam for 6 months during period 1 March 1961 to 28 March 1973, inclusive.

5. U.S. Army Vietnam Regulation 672-1 (Decorations and Awards) provided guidelines for award of the Air Medal. It stated that passenger personnel who did not participate in an air assault were not eligible for the award based upon sustained operations. It defined terms and provided guidelines for the award based upon the number and types of missions or hours. Twenty-five category I missions (air assault and equally dangerous missions) and accrual of a minimum of 25 hours of flight time while engaged in category I missions was the standard established for which sustained operations were deemed worthy of recognition by an award of the Air Medal. However, the regulation was clear that these guidelines were considered only a departure point.

- a. Combat missions were divided into three categories. A category I mission was defined as a mission performed in an assault role in which a hostile force was engaged and was characterized by delivery of ordnance against the hostile force or delivery of friendly troops or supplies into the immediate combat operations area. A category II mission was characterized by support rendered a friendly force immediately before, during, or immediately following a combat operation. A category III mission was characterized by support of friendly forces not connected with an immediate combat operation, but which must have been accomplished at altitudes which made the aircraft at times vulnerable to small arms fire or under hazardous weather or terrain conditions.
- b. To be recommended for award of the Air Medal, an individual must have completed a minimum of 25 category I missions, 50 category II missions, or 100 category III missions. Since various types of missions would have been completed in accumulating flight time toward award of an Air Medal for sustained operations, different computations would have had to be made to combine category I, II, and III flight times and adjust it to a common denominator.

6. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the awards received by units serving in Vietnam. This pamphlet shows the 135th Aviation Company was cited for award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period 22 February 1967 through 18 May 1968 in Department of the Army General Orders Number 21, 1969.

7. Army Regulation 635-5 (Separation Documents), effective 23 May 1972, stated to indicate Indochina and Korea service performed on or after 5 August 1964 in item 30 of the DD Form 214 by entering inclusive dates of service for Vietnam and indicating "Yes"

or "No" for service in Indochina and Korea. To show Vietnam service only, for example, enter "Vietnam – 25 Apr 70 through 28 May 71, Indochina – Yes, Korea – No."

//NOTHING FOLLOWS//