

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 October 2024

DOCKET NUMBER: AR20240002541

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show his already awarded Army Commendation Medal and Air Medal with bronze star.

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

- DD Form 149 (Application for Correction of Military Record).
- DD Form 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 his DD Form 214, for the period ending 30 July 1970, is missing his Army Commendation Medal and Air Medal with bronze star (sic, per Army Regulation (AR) 600-8-22 (Military Awards), the Army issues numerals for subsequent or additional awards of the Air Medal); he asks the Board to correct his records because he earned both awards.
3. In May 1977, the applicant requested the Reserve Components Personnel and Administration Center (RCPAC) to correct his DD Form 214, ending 30 July 1970, by adding his already awarded Army Commendation Medal. On 12 July 1977, RCPAC issued the applicant a DD Form 215 (Correction to DD Form 214), listing the Army Commendation Medal. Because this correction has already been made, it will not be further addressed in this Record of Proceedings.
4. A review of the applicant's service record shows the following:
 - a. On 31 July 1968, the applicant enlisted into the Regular Army for 2 years; upon completion of initial entry training and the award of military occupational specialty 11B (Light Weapons Infantryman), orders transferred him to Vietnam.

b. On 7 January 1969, he arrived in country and, effective 15 January 1969, orders further assigned him to Company A, 1st Battalion, 2nd Infantry Regiment.

c. On 5 October 1969, Headquarters, 1st Infantry Division General Orders (GO) Number 11954 awarded the applicant the Air Medal (1st Award) for the period 18 April to 2 September 1969.

d. Effective 6 October 1969, the applicant's chain of command promoted him to specialist four (SP4)/E-4. On 15 October 1969, GO awarded the applicant the Bronze Star Medal with "V" Device for heroism performed on 26 August 1969.

e. On 5 January 1970, the applicant completed his tour in Vietnam and orders reassigned him to a field artillery unit at Fort Carson, CO; he arrived at his new unit, on or about 10 February 1970.

f. On 30 July 1970, the Army honorably released the applicant from active duty and transferred to the U.S. Army Reserve. His DD Form 214 shows he completed his 2-year enlistment contract. Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) reflects the following:

- National Defense Service Medal
- Vietnam Service Medal with three bronze service stars
- Republic of Vietnam Campaign Medal with Device (1960)
- Bronze Star Medal with "V" Device
- Air Medal (1st Award)
- Combat Infantryman Badge

g. The applicant's available service record is void of GO for additional awards of the Air Medal; in addition, item 41 (Awards and Decorations) of his DA Form 20 (Enlisted Qualification Record) lists only one Air Medal, citing GO Number 11954.

h. A review of the Awards and Decorations Computer-Assisted Retrieval System, an index of GOs issued during the Vietnam era between 1965 and 1973 and maintained by the U.S. Army Human Resources Command Military Awards Branch, failed to reveal any GO awarding the applicant additional Air Medals.

f. The applicant's DA Form 20 shows his leadership progressively promoted him, with no rank reductions reflected. Item 38 (Record of Assignments – Conduct/Efficiency) indicates his chain of command rated him "Excellent" throughout his term of active duty, and his service record is void of any disciplinary actions.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Additional Air Medal(s). Deny. General Orders issued by Headquarters; 1st Infantry Division awarded the applicant the Air Medal (1st Award) for the period 18 April to 2 September 1969. This award is already listed on his DD Form 214. There are no other orders that show he was recommended for or awarded additional awards of the Air Medal.

b. Army Commendation Medal: No action. A DD Gorm 215 has already been issued to add this award to the applicant's DD Form 214.

c. Army Good Conduct Medal: Grant. As a related award, although not specifically requested, the Board noted that the SM served continuously on active duty from 31 July 1968 to 30 July 1970. He completed 2 years of net active service. He received excellent conduct and efficiency ratings. His record does not reflect any lost time or any derogatory information that would have disqualified him from receiving his first award of the Army Good Conduct Medal, or a commander's disqualifying memorandum for this award. The Board determined he met the criteria to be awarded the Army Good Conduct Medal (1st Award).

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

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: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the correction addressed in Administrative Note(s) below, the Board determined the evidence presented is sufficient to warrant a recommendation for partial 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 Army Good Conduct Medal (1st Award) for service during the period 31 July 1968 through 30 July 1970
- adding award of the Army Good Conduct (1st Award) to his DD Form 214

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to additional awards of the Air Medal.

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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):

Department of the Army Pamphlet (DA PAM) 672-3 (Unit Citation and Campaign Participation Credit Register) shows the following:

a. DA General Order Number 53, dated 1970, awarded the Valorous Unit Award to Company A, 1st Battalion, 2nd Infantry Regiment, for the period 18 to 20 June 1969.

b. DA General Orders Number 53, dated 1970, awarded the Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation to the 1st Battalion, 2nd Infantry Regiment, for the period October 1965 to 7 April 1970.

c. DA General Orders Number 8, dated 1974, awarded all units that served in Vietnam the Republic of Vietnam Gallantry Cross with Palm Unit Citation.

5. Based on the foregoing, amend the applicant's DD Form 214, ending 30 July 1970, by adding the following:

- Valorous Unit Award
- Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation
- Republic of Vietnam Gallantry Cross with Palm 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 ABCMR determines it would be in the interest of justice to do so.

2. Army Regulation (AR) 600-8-22 (Military Awards), currently in effect, prescribes policies and procedures for military awards. In paragraph 3-18 (Air Medal), the regulation states the Air Medal may be awarded to any person who, while serving in any capacity in or with the Armed Forces of the United States, has distinguished themselves by meritorious achievement while participating in aerial flight.

a. Awards may be made to recognize single acts of valor, merit, or heroism or for meritorious service as described below:

(1) Awards may be made for acts of heroism 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, which are of a lesser degree than required for award of the Distinguished Flying Cross.

(2) Awards may be made for a single act of meritorious achievement, involving superior airmanship, which are of a lesser degree than required for award of the Distinguished Flying Cross, but nevertheless were accomplished with distinction beyond that normally expected.

(3) Awards for meritorious service may be made for sustained distinction in the performance of duties involving regular and frequent participation in aerial flight for a period of at least 6 consecutive months (a month is considered 30 calendar days). In this regard, accumulation of a specified number of hours and missions will not serve as the basis for award of the Air Medal.

b. Award of the Air Medal is primarily intended to recognize those personnel who are on current crewmember or non-crewmember flying status which requires them to participate in aerial flight on a regular and frequent basis in the performance of their primary duties. However, it may also be awarded to certain other individuals whose combat duties require regular and frequent flying in other than a passenger status or individuals who perform a particularly noteworthy act while performing the function of a crewmember, but who are not on flying status as prescribed in AR 600 106 (Flying Status for Non-Rated Army Aviation Personnel).

(1) These individuals must make a discernible contribution to the operational land combat mission or to the mission of the aircraft in flight. Examples of personnel whose combat duties require them to fly include those in the attack elements of units involved in air-land assaults against an armed enemy and those directly involved in airborne command and control of combat operations. Involvement in such activities, normally at the brigade or group level and below, serves only to establish eligibility for award of the Air Medal.

(2) The degree of heroism, meritorious achievement, or exemplary service determines who should receive the award. Awards will not be made to individuals who use air transportation solely for the purpose of moving from point to point in a combat zone.

c. Numerals, starting with "2," will be used to denote second and subsequent awards of the Air Medal.

3. U.S. Army, Vietnam (USARV) Regulation 672-1 (Decorations and Awards), in effect at the time, provided specific guidelines for award of the Air Medal in Appendix IV (Award of the Air Medal).

a. The regulation also established three categories for aerial missions:

- Category I – An assault role in which a hostile force was engaged and was characterized by delivery of ordnance against a hostile force, or delivery of supplies into the immediate combat operations area
- Category II – A mission in support of a friendly force immediately before, during, or immediately following a combat operation; examples included air land or parachute resupply not connected to a combat assault and troop lift in support of combat operations not connected to a combat assault
- Category III – A mission supporting friendly forces that was not connected to an immediate combat operation, but which required the aircraft to operate at altitudes that made the aircraft vulnerable to small arms fire or during adverse weather or terrain conditions

b. To receive the Air Medal based on participation in sustained operations, the prospective awardee had to have completed a specific number of missions and hours of flight time; the regulation provided examples as to how flights recorded on DA Forms 759 (Individual Flight Record and Flight Certificate – Army (Part I)) and 759-1 (Individual Flight Record and Flight Certificate – Army (Part II)) could be used to determine the types and numbers of missions, as well as the total flight hours by category:

- 25 Category I missions with a minimum of 25 hours of flight time
- 50 Category II missions with at least 50 hours of flight time
- 100 Category III missions with not less than 100 hours of flight time

4. AR 600-106 (Aeronautical Designations and Flying Status for Army Personnel), in effect at the time, established policies and procedures for the award of aerial designations. Under Section IV (Flying Status for Non-Aviator Personnel), the regulation stated crewmember flying status involved the performance of duties in flight (crew complement) which were essential to the operation of the aircraft; this included the following positions: authorized TOE or TD enlisted crewmembers who occupied crew positions for helicopters and fixed-wing planes; enlisted door gunners who were engaged in actual combat.

5. AR 672-5-1 (Awards), in effect at the time, stated, in chapter 1 (Medals), section III (Good Conduct Medal), that the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940; however, for first award only, Soldiers could be awarded the Army Good Conduct Medal, upon termination of their service on or after 27 June 1950, when they had served less than 3 years but more than 1 year. Additionally, the Soldiers must have had all “Excellent” conduct and efficiency ratings and no court-martial convictions.

6. AR 15-185 (Army Board for Correction of Military Records (ABCMR), currently in effect, states:

a. Paragraph 2-2 (ABCMR Functions). The ABCMR decides cases on the evidence of record; it is not an investigative body.

b Paragraph 2-9 (Burden of Proof) states:

(1) The ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).

(2) The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

//NOTHING FOLLOWS//