

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 November 2024

DOCKET NUMBER: AR20240003057

APPLICANT REQUESTS:

- award of the: Air Medal, Bronze Star Medal with "V" Device, any additional awards earned in service
- correction of his service number

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), for the period ending 3 December 1970

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 did not accurately list his awards and decorations. He has not had success in getting copies of his records. He served as a combat infantryman platoon sergeant in Vietnam. He received letters from the Army which indicated he received the Air Medal and Bronze Star Medal with "V" Device, in addition to other decorations, that are not listed on his DD Form 214. He has no proof of his awards since they are not listed and would like to ensure the awards and decorations earned are accurately listed. At one point he was written up for a Silver Star. Furthermore, his service number is listed incorrectly on his DD Form 214.
3. A review of the applicant's service record shows:
 - a. He was inducted into the Army of the United States on 12 February 1969. His Induction Record lists his Service Number as US XX XXX[REDACTED].

b. His DA Form 20 (Enlisted Qualification Record) also lists a similar Service Number. It further shows he served in Vietnam from 10 January 1970 through 9 January 1971. He received excellent conduct and efficiency ratings. He was assigned in Vietnam to the following units:

- 23d Adjutant General Administration Company Replacement Detachment
- Company A, 3rd Battalion, 1st Infantry, 11th Infantry Brigade
- Company D, 3rd Battalion, 1st Infantry, 11th Infantry Brigade

c. He was honorably released from active duty on 3 December 1970. His DD Form 214 shows he completed 1 year, 9 months, and 22 days of active service. It shows in:

- Block 2 (Service Number) XX XXX [REDACTED] vice XX XXX [REDACTED]
- Block 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized)
 - National Defense Service Medal
 - Vietnam Service Medal
 - Combat Infantryman Badge
 - Republic of Vietnam Campaign Medal with 60 Device
 - Army Commendation Medal with 1st Oak Leaf Cluster
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

d. The applicant's service record shows the Transmittal of Award Element memoranda for the following awards:

- Bronze Star Medal, dated 5 May 1971
- Air Medal, dated 6 May 1971

e. A review of the Awards and Decorations Computer Assisted Retrieval System maintained by the U.S. Army Human Resources Command, which is an index of general orders issued during the Vietnam era between 1965 and 1973, failed to reveal any orders for the Bronze Star Medal with a "V" Device and/or the Air Medal pertaining to the applicant.

4. A review of the applicant's record confirms he is eligible for an award and campaign credits that are not recorded on his DD Form 214. The entries will be added to his DD Form 214 as administrative corrections and will not be considered by the Board.

5. By regulation, awards of the Air Medal and Bronze Star Medal require a formal recommendation, approval through the chain of command, and announcement in orders.

6. Department of the Army General Orders (DAGO) Number 32, dated 1973, awarded the Meritorious Unit Commendation to 23d Administration Company, for service in Vietnam for the period of 1 September 1969 to 31 January 1971.

7. Department of the Army General Orders (DAGO) Number 42, dated 1972, awarded the Republic of Vietnam Gallantry Cross with Palm to 23d Administration Company, for service in Vietnam for the period of 31 March 1970 through 30 June 1970.

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. Service Number: Grant. The evidence of record shows the applicant's Service Number was incorrectly listed on his DD Form 214. The Board determined it should be corrected.

b. Bronze Star Medal and Air Medal: Deny. Awards of the Air Medal and Bronze Star Medal require a formal recommendation, approval through the chain of command, and announcement in orders. In the absence of the orders, or at least the recommendations, the Board determined there is insufficient evidence to add these awards to his DD Form 214. Nevertheless, while the available evidence is insufficient for awarding the applicant a Bronze Star Medal and an Air Medal, this in no way affects his right to pursue his claim for the Bronze Star Medal and Air Medal by submitting a request through his Member of Congress under the provisions of 10 USC 1130.

c. Army Good Conduct Medal: Grant. As a related award, although not specifically requested, the Board noted that the applicant served continuously on active duty from 12 February 1969 through 3 December 1970. He completed 1 year, 9 months, and 22 days 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:

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| : | : | : | GRANT FULL RELIEF |
| ■ | ■ | ■ | GRANT PARTIAL RELIEF |
| : | : | : | 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 relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- Correction of the applicant's Service Number on his DD Form 214
- awarding the applicant the Army Good Conduct Medal (1st Award) for service during the period 12 February 1969 through 3 December 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 award of the Bronze Star Medal with V Device and 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):

A review of the applicant's service records show he is authorized additional campaign credit not annotated on his DD Form 214. As a result, amend his DD Form 214 to show:

- Meritorious Unit Commendation
- 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. U.S. Army Vietnam (USARV) 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.

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.

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.

It also provided guidelines for award of the Air Medal for sustained operations. Appendix IV of the regulation required that recommendations for award of the Air Medal for crewmembers or non-crewmembers on flying status would be submitted on USARV Form 157-R. The recommendation for award must also have stated that the individual "met the required number of missions and hours for award of the Air Medal"; that "the individual has not caused, either directly or indirectly, an aircraft abort, late take-off, accident or incident"; and that the "individual's accomplishments and service throughout the period have reflected meritorious performance, with no instance of non-professionalism [sic], mediocrity, or failure to display an aggressive spirit."

3. U. S. Army Vietnam Regulation 672-1 (Decorations and Awards) governed the military awards program in Vietnam during the Vietnam War. This regulation stated the Bronze Star Medal may have been awarded for heroism or for meritorious achievement or service which did not involve aerial flight but which was performed in connection with military operations against an armed enemy including combat, support, and supply operations. The approval authority for award of the Bronze Star Medal was generally delegated no lower than brigadier generals in command of separate brigades. However, the records of the Awards Branch of the U.S. Army Human Resources Command show that authority for award of the Bronze Star Medal for service had been delegated to colonels in command of the U.S. Army Support Commands located at Saigon, Cam Ranh Bay, and Qui Nhon and in command of separate engineer brigades in Vietnam assigned to the U.S. Army Engineer Troops (Provisional).

4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) assist commanders and personnel officers in determining or establishing the eligibility of individual members for campaign participation credit, assault landing credit, and unit citation badges awarded during the Vietnam Conflict.

a. Department of the Army General Orders (DAGO) Number 32, dated 1973, awarded the Meritorious Unit Commendation to 23d Administration Company, for service in Vietnam for the period of 1 September 1969 to 31 January 1971.

b. Department of the Army General Orders (DAGO) Number 42, dated 1972, awarded the Republic of Vietnam Gallantry Cross with Palm to 23d Administration Company, for service in Vietnam for the period of 31 March 1970 through 30 June 1970.

5. Army Regulation 672-5-1 (Awards), in effect at the time, stated 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; for 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.

//NOTHING FOLLOWS//