

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 December 2024

DOCKET NUMBER: AR20240003460

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) ending 10 July 1970, by adding the –

- Bronze Star Medal
- Republic of Vietnam Campaign Medal

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

- DD Form 149 (Application for Correction of Military Record)
- Bronze Star Medal Citation
- Bronze Star Medal Certificate, 21 March 1969
- Memorandum - Subject: Transmittal of Award, 5 April 1969
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), 10 July 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 he requests the Bronze Star Medal and Vietnam Campaign Medal be added to his record. He was discharged without proper identification of medals listed on DD Form 214. Please process DD Form 215 (Correction to DD Form 214) to reflect awards.
3. The applicant's military service records were not available for review; nevertheless, in support of his request the applicant provides:
 - a. A Bronze Star Medal Citation and Certificate dated 21 March 1969, showing he was awarded the Bronze Star Medal for meritorious achievement in Vietnam during the period of 1 July 1968 to 28 February 1969.

b. Memorandum dated 5 April 1969, Headquarters, 5th Transportation Battalion, 101st Airborne Division, wherein, the Adjutant states, the certificate and citation pertaining to the award of the Bronze Star Medal for the applicant was forwarded. The applicant was transferred to Headquarters and Headquarters Company, 2d Brigade, 101st Airborne Division on or about 20 January 1969.

c. DD Form 214 which shows the applicant enlisted in the Regular Army for 3 years and entered active duty on 11 July 1967. He held military occupational specialty 67N, UH-1 Helicopter Repairer.

d. His DA Form 20 (Enlisted Qualification Record) which would have listed his assignments, promotions, and other administrative entries is not available for review. His conduct and efficiency ratings during his enlistment are unknown.

e. He was honorably released from active duty in the rank of private first class/E-3 and was transferred to the U.S. Army Reserve on 10 July 1970. He completed 3 years of total active service with no lost time. It also shows in:

- Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) – Purple Heart, Army Commendation Medal, National Defense Service Medal, Vietnam Service Medal, and Expert Marksmanship Qualification Badge with Rifle Bar (M-14 and M-16)
- Item 30 (Remarks) – “Inclusive dates of service in Vietnam during current period of service: 30 Aug 68 – 29 Aug 69”

5. A review of the Awards and Decorations Computer-Assisted Retrieval System (ADCARS), an index of general orders issued during the Vietnam Era between 1965 and 1973 maintained by the Military Awards Branch of the United States Army Human Resources Command, revealed on 2 December 2024:

a. On 27 March 1969, Headquarters, 101st Airborne Division published General Orders Number 2754, which awarded the applicant the Army Commendation Medal for meritorious achievement in the Republic of Vietnam from 1 October 1968 to 28 February 1969, while a member of Headquarters and Headquarters Company, 2nd Brigade, 101st Airborne Division.

b. On 12 April 1969, Headquarters, 101st Airborne Division published General Orders Number 3284, which revoked General Orders 2585 pertaining to award of the Bronze Star Medal to the applicant. The orders list his unit as Headquarters and Headquarters Company, 5th Transportation Battalion (Airborne Division).

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. Republic of Vietnam Campaign Medal: Grant. The applicant completed 12 months of foreign service in Vietnam from August 1968 to August 1969. He qualifies for award of the Republic of Vietnam Campaign Medal with 1960 Device and correction of his DD Form 214 to show it.

b. Bronze Star Medal: Deny. Although he provides a certificate and citation for award of the Bronze Star Medal, other evidence available in his service record shows the orders that awarded him the Bronze Star Medal were revoked and he was issued the Army Commendation Medal instead. Therefore, the Board determined there is insufficient evidence to add the Bronze Star Medal; however, the Army Commendation Medal should be added to his DD Form 214.

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:

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 adding awards of the Army Commendation Medal and Republic of Vietnam Campaign Medal with 1960 Device 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.

[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):

1. Reference the enclosed request for correction of military records from the applicant to correct his DD Form 214 ending 10 July 1970, by adding:

- Four (4) bronze service stars to the Vietnam Service Medal
- Meritorious Unit Commendation
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.

- DD Form 214, 10 July 1970
- Department of the Army General Orders (DAGO) Number 39, 1970
- DAGO Number 43, 1970
- DAGO Number 48, 1971
- Army Regulation 600-8-22 (Military Awards)
- Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register)

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) 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 Army Board for Correction of Military Records (ABCMR). In pertinent part, it states that 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. The ABCMR will decide cases based on the evidence of record. The ABCMR is not an investigative agency.

3. AR 600-8-22 (Military Awards) implements a part of the Army Awards Program.

a. The Republic of Vietnam Campaign Medal with Device (1960) was awarded by the Government of Vietnam to all members of the Armed Forces of the United States for qualifying service in Vietnam during the period 1 March 1961 through 28 March 1973. Qualifying service included assignment in Vietnam for 6 months or more. Qualifying service outside the geographical limits of the Republic of Vietnam required the individual to provide direct combat support to the Republic of Vietnam and Armed Forces. Also eligible for this award are individuals who qualified for award of the Vietnam Service Medal or the Armed Forces Expeditionary Medal and served for less than six months of service but:

- were wounded as a result of hostile action
- were captured by hostile forces but later escaped or were rescued or released
- were killed in action or otherwise in line of duty

b. The Bronze Star Medal may be awarded to any person who, while serving in any capacity with the Army, Navy, Marine Corps, or Air Force of the United States, or as a member of the armed forces of a friendly foreign nation, after 6 December 1941, distinguished themselves by heroic or meritorious achievement or service, not involving participation in aerial flight — (1) While engaged in an action against an enemy of the United States. (2) While engaged in military operations involving conflict with an opposing foreign force. (3) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

4. AR 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.

5. AR 635-5 (Separation Documents) prescribes the separation documents that will be furnished each individual who is separated from the Army. Section III, paragraph 53 states, for item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) to enter from DA Form 20 (Enlisted Qualification Record) all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

//NOTHING FOLLOWS//