

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 December 2024

DOCKET NUMBER: AR20240003907

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United State Report of Transfer or Discharge) to reflect he was awarded the Bronze Star Medal and the Air Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4980-5 (Bronze Star Medal Certificate)
- Bronze Star Medal Citation

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 correction of his DD Form 214 to reflect he was awarded the Bronze Star Medal for his meritorious achievement in ground operations against hostile forces during the period of 2 February 1970 through 27 March 1973. He also requests the awarding of the Air Medal like other members of his unit who were awarded for providing assistance to another platoon. The accuracy of his records may be pertinent to entitlement of the Department of Veterans Affairs benefits.

3. A review of the applicant's service record shows:

- a. On 4 December 1968, the applicant enlisted in the Regular Army.
- b. DA Form 20 (Enlisted Qualification Record) shows in:
 - Item 31 (Foreign Service): service in the Republic of Vietnam during the period of 23 May 1969 through 27 March 1973
 - Item 38 (Record of Assignments): captured on 5 February 1970 and returned to military control in Hanoi North Vietnam on 27 March 1973

- Item 39 (Campaigns):
 - TET 1969/Counteroffensive by authority of Department of the Army (DA) Message 936120
 - Vietnam Summer-Fall 1960 by authority of DA Message 966222
 - Vietnam Winter-Spring 1970 by authority of DA Message 30247Z
- Items 41 (Awards and Decorations):
 - National Defense Service Medal – Army Regulation (AR) 672-5-1 (Awards)
 - Vietnam Service Medal – AR 672-5-1
 - Combat Infantry Badge – Headquarters (HQs), 101st Airborne Division Special Orders Number 234, 1969
 - Army Commendation Medal – HQs, 101st Airborne Division General Orders Number 13676, 1969
 - Overseas Service Bar (9th Award) – AR 670-5 (Uniform and Insignia Male Personnel)
 - Republic of Vietnam Campaign Medal with 1960 device – AR 672-5-1
 - Purple Heart – HQDA Letter Orders U.S. Army Military Personnel Center, 1974
 - Army Good Conduct Medal – Fitzsimmons Army Medical Center General Orders Number 38, 1974
 - Marksman Marksmanship Qualification Badge with Rifle Bar (M-16) – AR 672-5-1
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14) – AR 672-5-1

c. On 8 February 1970, the applicant was reported as missing in the Republic of Vietnam since 5 February 1970. He was last seen as the door gunner on a military aircraft on a military mission when contact was lost with the aircraft.

d. On 2 July 1970, the applicant was reported as captured since 5 February 1970. He was last seen as a door gunner on a military aircraft on a military mission in Vietnam when contact was lost with the aircraft. Additional information was obtained indicating he was being held prisoner by the Vietnamese communist.

e. On 30 October 1970, an inquiry was submitted to the commander of the 101st Airborne Division (Airmobile) regarding the flying status of the applicant. It was determined the applicant was a member of the crew on a UH-1H helicopter that was on a maintenance mission when contact with the aircraft was lost. Information was obtained that the crew was captured by the Vietnamese communist.

f. On 15 November 1970, Special Orders Number 319, issued by HQs, 101st Airborne Division (Airmobile), the applicant was awarded crewmember flight status as a non-aviator crewmember, effective 29 January 1970.

g. On 16 February 1971, the casualty report was corrected to reflect the applicant's basic pay in the amount of \$214.20 as a specialist four (SP4)/E-4 was changed to E-5 in the amount of \$366.00.

h. On 29 December 1972, the casualty report was corrected to reflect the applicant's basic pay in the amount of \$214.20 as a SP4/E-4 was changed to E-5 in the amount of \$429.30.

i. On 27 March 1973, the applicant was returned to military control on 27 March 1973 after being captured in Vietnam on 5 February 1970 and his basic pay was corrected to reflect \$458.10.

j. On 3 April 1973, Special Orders Number 19, issued by Fitzsimons Army Medical Center, the applicant was returned to military control from prisoner of war status which was a result of hostile action since 5 February 1970 and had been dropped from the rolls of his unit.

k. DA Form 8-118 (Medical Board Proceedings) shows on 11 March 1974, the applicant was found to be medically unfit for further military service for multiple medical conditions. He was recommended to appear before a Physical Evaluation Board (PEB).

l. DA Form 199 (PEB Proceedings) shows on 2 April 1974, the applicant was found to be physically unfit for retention and was recommended for placement on the Permanent Disability Retired List with 40 percent disability. The findings were based on his disabilities which resulted from injury or disease he received in the line of duty as a direct result of armed conflict or caused by an instrumentality of war and incurred in the line of duty during a period of war.

m. On 9 May 1974, Letter Orders Number D5-238, issued by the U.S. Army Military Personnel Center, the applicant was determined to be permanently unfit for duty by reason of physical disability and was placed on the retired list, effective 17 May 1974, with 40 percent disability.

n. On 16 May 1974, the applicant was honorably retired from active duty. DD Form 214 shows the applicant completed 5-years, 5-months, and 13-days of active service. It also shows in items:

- 22e (Foreign and/or Sea Service): served 3-years, 10-months, and 5-days

- 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized:
 - Army Commendation Medal
 - Purple Heart
 - Vietnam Service Medal with three Bronze Service Stars
 - Vietnam Campaign Medal with 1960 Device
 - Combat Infantryman Badge
 - National Defense Service Medal
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
 - Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
 - 9 Overseas Service Bars
 - Army Good Conduct Medal
- Item 30 (Remarks): service in Vietnam during the period of 23 May 1969 through 27 March 1973

o. On 29 October 1974, the U. S. Army Military Personnel Center notified the commander of Fort Sheridan, IL, the applicant was approved to be awarded the Bronze Star Medal for his meritorious service during the period of 5 February 1970 through 27 March 1973 by direction of the President under the provision of Executive Order 11046 dated 24 August 1962.

p. Bronze Star Medal citation stated the applicant was awarded the Bronze Star Medal for meritorious service in ground operations against hostile forces while held as a prisoner of war in Southeast Asia during the period of 5 February 1970 through 27 March 1973.

q. On 14 April 1988, the applicant applied for the Prisoner of War Medal for being held captive during the period of 5 February 1970 through 27 March 1973 at the Plantation Gardens Hanoi Vietnam.

r. DA Form 1577 (Authorization for Issuance of Awards) dated 15 June 1988 shows the Secretary of the Army directed the Prisoner of War Medal to be issued to the applicant.

4. The applicant provides the DA Form 4980-5 which states the applicant was awarded the Bronze Star Medal for meritorious achievement in ground operations against hostile forces in Southeast Asia during the period of 5 February 1970 through 27 March 1973.

5. Review of the Awards and Decorations Computer-Assisted Retrieval System, an index of general orders issued during the Vietnam era between 1965 and 1973

maintained by the Awards and Decorations Branch of the U.S. Army Human Resources Command, failed to reveal any orders for the Bronze Star Medal and the Air Medal.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the provided BSM award certificate and citation, as well as the service dates reflected on the documents being aligned with the Vietnam service dates annotated on the applicant's DA Form 2-1, the Board concluded there was sufficient evidence to add the BSM to the applicant's DD Form 214.

Additionally, based upon the available documentation showing the applicant was on orders as a crew member on flight status at the time of being taken a Prisoner of War, the Board concluded there was sufficient evidence to award the applicant the Air Medal for his actions in Vietnam.

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 adding the Bronze Star Medal and Air 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 the military service of the applicant.

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 subject individual to correct his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period of service 4 December 1968 through 16 May 1974 by adding the Prisoner of War Medal and the Republic of Vietnam Gallantry Cross with Palm 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 period of service 4 December 1968 through 16 May 1974
 - DA Form 20 (Enlisted Qualification Record)
 - DD Form 1300 (Report of Casualty)
 - Department of the Army General Orders Number 8, dated 1974
 - Army Regulation 600-8-22 (Military Awards)
3. Please correct the applicant's DD Form 214 by adding the awards shown in paragraph 1 above. Provide the applicant a copy of the corrections. Please ensure that the corrections are recorded in the applicant's official military personnel record.

REFERENCES:

1. Title 10, USC, 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), prescribes Department of the Army (DA) policy, criteria, and procedures for individual and unit military awards and foreign decorations and badges.

a. Paragraph 3-16 (Bronze Star Medal), the Bronze Star Medal was established by Executive Order (EO) 9419, 4 February 1944 (superseded by EO 11046, 24 August 1962, as amended by EO 13286, 28 February 2003 and the National Defense Authorization Act of 2011). EO 11046 authorizes the SECARMY to award the Bronze Star Medal to any person who, while serving in any capacity with the Army 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:

- While engaged in action against an enemy of the United States
- While engaged in military operations involving conflict with opposing foreign force
- While serving with friendly foreign forces engaged in armed conflict against opposing armed force in which the United States is not a belligerent party

b. Paragraph 3-18 (Air Medal), the Air Medal was established by EO 9158, 11 May 1942, as amended by EO 9242, 11 September 1942. The Air Medal is 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. 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. 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

3. U.S. Army Vietnam (USARV) Regulation 672-1 (Decorations and Awards) provided guidelines for award of the Air Medal. It stated 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.

//NOTHING FOLLOWS//