

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 November 2024

DOCKET NUMBER: AR20240003951

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of the Bronze Star Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- The Bronze Star Medal certificate

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 Board will not consider adding the Bronze Star Medal to the applicant's DD Form 214, as this item will be addressed through an administrative correction.
3. The applicant was inducted into the Army of the United States on 12 November 1968. He served in military occupational specialty 63C (General Vehicle Repairman).
4. Evidence shows he served in the Republic of Vietnam from 30 June 1969 through 28 June 1970 with Headquarters and Headquarters Detachment, 75th Support Battalion, 1st Infantry Brigade, 5th Infantry Division (Mechanized).
5. Item 38 (Record of Assignments) of his DA Form 20 (Enlisted Qualification Record) shows he received all "excellent" conduct and efficiency ratings throughout his entire period of active military service.
6. General Orders Number 778, issued by Headquarters, 1st Infantry Brigade, 5th Infantry Division (Mechanized) on 29 May 1970, awarded him the Bronze Star Medal
7. There is no evidence in the available records that shows he was awarded the Army Good Conduct Medal (AGCM); neither is there evidence of a commander's

disqualification for the award. Additionally, there is no evidence of any convictions by courts-martial or receipt of nonjudicial punishment under Article 15, Uniform Code of Military Justice.

7. On 28 June 1970, he was honorably released from active duty as an overseas returnee. His DD Form 214 shows he was awarded or authorized the:

- National Defense Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Vietnam Service Medal
- Army Commendation Medal
- 2 overseas service bars
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

#### BOARD DISCUSSION:

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

a. Bronze Star Medal: Grant. General orders awarded the applicant the Bronze Star Medal. This award is not listed on his DD Form 214.

b. 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 November 1968 to 28 June 1970. He completed 1 year, 7 months, and 17 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:

Mbr 1      Mbr 2      Mbr 3

■	■	■	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

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:

- awarding the applicant the Army Good Conduct Medal (1st Award) for service during the period 12 November 1968 through 28 June 1970
- adding awards of the Bronze Star Medal and Army Good Conduct (1st Award) to his DD Form 214

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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): The following orders and regulatory cites are sufficient to make the following administrative corrections to the applicant's DD Form 214 for the period ending on 28 June 1970 without action by the Board:

- Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register), paragraph 8a (11,12,13), Vietnam Service Medal with 3 bronze service stars

- Department of the Army General Orders 8, Republic of Vietnam Gallantry Cross with Palm Unit Citation

delete the Vietnam Service Medal from item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized), and add the following awards:

- Vietnam Service Medal with 3 bronze service stars
- 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 600-65 (Service Medals), in effect at the time, stated the AGCM was awarded for each three years of continuous enlisted active Federal military service completed on or after 27 August 1940; for first award only, one 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 three years but more than one year. A Soldier's conduct and efficiency ratings, including those pertinent to attendance at service schools, must have all been recorded as "excellent" or higher, except that ratings of "unknown" for portions of the period under consideration would not be disqualifying. There must have been no convictions by court-martial. 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.

3. U.S. Army Vietnam Regulation 672-1 (Decorations and Awards), in effect at the time, governed the military awards program in Vietnam during the Vietnam War. It stated the Bronze Star Medal was 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. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

4. Army Regulation 600-8-22 (Military Awards) states the Vietnam Service Medal is awarded to all members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through 28 March 1973. A bronze service star is authorized with the Vietnam Service Medal award for each Vietnam campaign a member is credited with participating in. Appendix B shows that during his service in Vietnam, participation credit was awarded for the following three campaigns:

- Vietnam Summer-Fall 1969 (9 June 1969 - 31 October 1969)
- Vietnam Winter-Spring 1970 (1 November 1969 - 30 April 1970)
- DA Sanctuary Counteroffensive (1 May 1970 - 30 June 1970)

5. Department of the Army General Orders Number 8, dated 1974, awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters,

U.S. Military Assistance Command, and its subordinate units during the period 8 February 1962 to 28 March 1973 and to Headquarters, U.S. Army Vietnam, and its subordinate units during the period 20 July 1965 to 28 March 1973.

//NOTHING FOLLOWS//