

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 December 2024

DOCKET NUMBER: AR20240003989

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

- Silver Star Medal w “V” Device (First Oak Leaf Cluster)
- Air Medal (First Oak Leaf Cluster)

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

- DD Form 149 (Application for Correction of Military Record)
- Special Orders Number 45
- Air Medal Citation

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 would like to get his DD Form 214 updated to reflect the award of the Silver Star Medal w “V” Device (First Oak Leaf Cluster) and the Air Medal (First Oak Leaf Cluster). The two awards were found in his mother’s estate after her passing.

3. The applicant provides:

a. The Silver Star Medal w “V” Device (First Oak Leaf Cluster) Special Orders Number 45 presented to the applicant for heroism in connection with the military operation against a hostile force during the period of 20 February 1970.

b. The Air Medal (First Oak Leaf Cluster) Citation shows the applicant distinguished himself by meritorious service achievement, while participating in sustained aerial flight, in support of combat ground forces in the Republic of Vietnam during the period 20 February 1970 to 20 April 1970.

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

a. He was inducted into the U.S. Army on 11 March 1969.

b. His DA Form 20 (Enlisted Qualification Record) shows he served in Vietnam from 7 September 1969 through 21 August 1970. He was assigned to the 3rd Battalion, 22nd Infantry, 25th Infantry Division. It also shows in Block 41 (Awards and Decorations):

- National Defense Service Medal
- Vietnam Service Medal
- Combat Infantryman Badge
- Air Medal
- Army Commendation Medal
- Republic of Vietnam Campaign Medal w/60 Device
- 2 Overseas Bars
- Bronze Star Medal
- Silver Star Medal

c. He was released from active duty on 30 December 1970. His DD Form 214 shows he completed 1 Year, 9 months, and 20 days of total active service. It also shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Combat Infantryman Badge
- Air Medal
- Army Commendation Medal
- Republic of Vietnam Campaign Medal w/60 Device
- 2 Overseas Bars
- Bronze Star Medal
- Silver Star Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

d. The applicant was issued a DD Form 215 (Correction to DD Form 214, Certificate of Release or Discharge from Active Duty) on 21 December 2010. His DD Form 214 for the service period ending 30 December 1970 was corrected to read:

- Army Commendation Medal w "V" Device (First Oak Leaf Cluster)
- Army Good Conduct Medal
- Vietnam Service Medal with four bronze service stars
- Republic of Vietnam Campaign Medal w/Device (1960)
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation

5. A review of the applicant's record confirms he is eligible for an award not recorded on his DD Form 214. The entry will be added to his DD Form 214 as an administrative correction and will not be considered by the Board.

6. By regulation (AR 600-8-22), the Air Medal is awarded in time of war for heroism and for meritorious achievement or service while participating in aerial flight. This award is primarily intended for personnel on flying status but may also be awarded to those personnel whose combat duties require them to fly; for example, personnel in the attack elements of units involved in air-land assaults against an armed enemy. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

BOARD DISCUSSION:

After reviewing the application and all available evidence, the Board determined relief was not warranted. Based upon the information reflected on the applicant's DA Form 2-1 (block 41) and the provided orders showing irregularities (there is no such thing as a Silver Star with "V" device. NOTE: All Silver Stars are for valor), the Board concluded there was insufficient evidence of an error or injustice which would warrant a change to the applicant's military record.

BOARD VOTE:


Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

3/17/2025


X _____CHAIRPERSON


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.

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 600-8-22 (Military Awards) prescribes Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards. The Air Medal is awarded in time of war for heroism and for meritorious achievement or service while participating in aerial flight. This award is primarily intended for personnel on flying status but may also be awarded to those personnel whose combat duties require them to fly; for example, personnel in the attack elements of units involved in air-land assaults against an armed enemy. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

//NOTHING FOLLOWS//