

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 January 2025

DOCKET NUMBER: AR20240004910

APPLICANT REQUESTS: in effect, award of the:

- Bronze Star Medal
- Air Medal, and
- Republic of Vietnam Gallantry Cross with Palm Unit Citation.

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)

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 award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation, as this item will be addressed through an administrative correction.
3. The applicant was inducted into the Army of the United States on 14 October 1968. He served in military occupational specialty 11C (Infantry Indirect Fire Crewman).
4. Evidence shows he served in the Republic of Vietnam from 25 March 1969 to 19 May 1970. He served with Company E, 4th Battalion, 21st Infantry Regiment, 11th Infantry Brigade.
5. He was honorably released from active duty on 19 May 1970. The applicant's DD Form 214 shows he was awarded or authorized the:
 - National Defense Service Medal
 - Vietnam Service Medal

- Vietnam Campaign Medal with Device (1960)
- Combat Infantryman Badge
- 2 overseas service bars
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

6. Item 38 (Record of Assignments) of his DA Forms 20 (Enlisted Qualification Record) shows he received all "excellent" conduct and efficiency ratings throughout his entire period of active military service.

7. There is no evidence in the available records that shows he was awarded the Army Good Conduct Medal; 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.

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 Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military record, the Board determined that the record lacks sufficient documentation of flight hours to substantiate the applicant's eligibility for award of the Air Medal. In accordance with regulatory criteria, detailed records of flight operations are required to support such recognition. As the applicant's file lacked the necessary supporting evidence and recognizing that this Board is not an investigative body, the burden of proof rests solely with the applicant. In the absence of documentation meeting regulatory requirements.

2. Additionally, the Board found insufficient evidence to support the award of the Bronze Star Medal. There is no documentation or recommendation in the available records indicating that the applicant was nominated for or received this decoration. However, the Board determined the applicant's service record did not reflect he was awarded the Army Good Conduct Medal (1st Award) and his record shows he received "excellent" conduct and efficiency ratings throughout his service for the period of 14 October 1968 to 19 May 1970. Therefore, the Board found the applicant met the criteria for award of the Army Good Conduct Medal and granted partial relief to correct the applicant's DD Form 214.

3. 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:

| <u>Mbr 1</u> | <u>Mbr 2</u> | <u>Mbr 3</u> | |
|--------------|--------------|--------------|----------------------|
| : | : | : | GRANT FULL RELIEF |
| XXX | XXX | XXX | GRANT PARTIAL RELIEF |
| | : | : | GRANT FORMAL HEARING |
| : | : | : | DENY APPLICATION |

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the administrative notes annotated by the Analyst of Record (below the signature), 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 awarding him the Army Good Conduct Medal (1st Award) for exemplary service from 14 October 1968 to 19 May 1970.and adding the medal to his DD Form 214 for the period ending 19 May 1970.

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 Bronze Star Medal and Air Medal.

//SIGNED//

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.

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 19 May 1970 without action by the Board:

- Department of the Army (DA) General Order (DAGO) Number 42, dated 1972, awarded him the Republic of Vietnam Gallantry Cross with Palm Unit Citation
- DA Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) paragraph 8a (10,11,12,13)

a. delete the Vietnam Service Medal from item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized), and

b. add the Vietnam Service Medal with 4 bronze service stars and the 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 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.

3. U.S. Army Vietnam Regulation 672-1 (Decorations and Awards) governed the military awards program in Vietnam during the Vietnam War. It 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. 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 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.

5. Army Regulation 600-8-22 (Military Awards), paragraph 2-13, contains the regulatory guidance on the Vietnam Service Medal and states that a bronze service star is authorized with this award for each Republic of Vietnam campaign a member is credited with participating in. Appendix B shows that during his service in the Republic of Vietnam, participation credit was awarded for the following four campaigns:

- TET 69 Counteroffensive
- Vietnam Summer-Fall 1969
- Vietnam Winter-Spring 1970
- DA Sanctuary Counteroffensive

6. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the awards received by units serving in the Republic of Vietnam. During the period in which the applicant was assigned to Company E, 4th Battalion, 21st Infantry Regiment, 11th Infantry Brigade, his unit was cited for award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation, for the period 31 March to 30 June 1970, by DAGO 42, dated 1972.

7. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. 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.

//NOTHING FOLLOWS//