

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 December 2024

DOCKET NUMBER: AR20240005010

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

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

- DD Form 149 (Application for Correction of Military Record)
- Department of Veterans Affairs (VA) Form 21-4138 (Statement in Support of Claim)
- Air Medal Citation
- DD Form 214 for period of service 30 September 1969 through 19 April 1971

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 was awarded the Combat Air Medal for his service in Vietnam and he received the award letter by mail but did not receive the Air Medal and requests the correction of his service record and to be issued the Air Medal.
3. A review of the applicant's service record shows:
 - a. On 30 September 1969, the applicant was inducted into the Army of the United States.
 - b. On 18 September 1970, General Orders Number 9635, issued by Headquarters (HQs), 25th Infantry Division, the applicant was awarded the Army Commendation Medal for meritorious achievement in connection with military operations against a hostile force in the Republic of Vietnam during the period of 1 July through 31 August 1970.

c. On 18 October 1970, Special Orders Number 291, issued by HQs, 25th Infantry Division, the applicant was awarded the Aircraft Crewman Badge, effective 12 October 1970.

d. On 1 November 1970, General Orders Number 10770, issued by HQs, 25th Infantry Division, the applicant was awarded the Bronze Star Medal for meritorious achievement in connection with military operations against a hostile force in the Republic of Vietnam during the period of 1 October through 1 November 1970.

e. On 19 March 1971 General Orders Number 796, issued by HQs, II Field Force Vietnam, the applicant was awarded the Army Commendation Medal (First Oak Leaf Cluster) for meritorious service in connection with military operations against a hostile force in the Republic of Vietnam during the period of March 1970 through March 1971.

f. On 19 April 1971, Special Orders Number 109, issued by HQs, U.S. Army Personnel Center, the applicant was relieved from active duty and transferred to the U.S. Army Reserve (USAR), effective 19 April 1971.

g. On 19 April 1971, the applicant was honorably released from active duty and assigned to the USAR Control Group (Annual Training). DD Form 214 shows the applicant completed 1-year, 6-months, and 20-days of service. It also shows in:

- Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):
 - Army Commendation Medal
 - National Defense Service Medal
 - Vietnam Service Medal
 - Bronze Star Medal
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Item 23a (Specialty Number and Title) 67N20 (UH-1H) Helicopter Maintainer
- Item 30 (Remarks): served in the Republic of Vietnam 10 March 1970 through 18 April 1971

h. On 20 August 1975, Letters Orders Number 08-1263150, issued by the Office of the Adjutant General USAR Components Personnel and Administration Center, the applicant was honorably discharged from the USAR, effective 1 September 1975.

4. The applicant provides the Air Medal citation which stated he was awarded the Air Medal for his meritorious achievement while participating in sustained aerial flight in support of combat ground forces in the Republic of Vietnam during the period of

15 November 1970 through 31 March 1971. He actively participated in more than 25 aerial missions over hostile territory in support of operations against communist aggression.

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 Air Medal.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Although the applicant provides an Air Medal citation for the requested award, there is no orders or other authoritative document showing confirmation of air mission hours to reflect the applicant obtain sufficient number of hours to qualify for the Air Medal.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. 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.
2. Prior to closing the case, the Board noted the administrative notes below from the analyst of record and recommended those changes 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 30 September 1969 through 19 April 1971 by:
 - a. Delete: Item 24 (Decorations, Medals, Badges, Commendations, Citations, Campaign Ribbons Awarded or Authorized) Army Commendation Medal
 - b. Add: Item 24:
 - Army Commendation Medal with First Oak Leaf Cluster
 - Three bronze service stars to the previously awarded Vietnam Service Medal
 - Aircraft Crewmen Badge
 - Republic of Vietnam Campaign Medal with 1960 Device
 - 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 30 September 1969 through 19 April 1971

- General Orders Number 9635, 18 September 1970, Headquarters (HQs), 25th Infantry Division, Army Commendation Medal, 1 July through 31 August 1970
- Special Orders Number 291, 18 October 1970, HQs, 25th Infantry Division, Aircraft Crewman Badge, 12 October 1970
- General Orders Number 796, 19 March 1971, HQs, II Field Force Vietnam, Army Commendation Medal (First Oak Leaf Cluster), March 1970 through March 1971
- 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 deleting and 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. 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 DFC, 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//