

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 February 2025

DOCKET NUMBER: AR20240005679

APPLICANT REQUESTS:

- correction to his award of his Air Medal to show “with “V” Device
- a video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Statement
- Army Ranger Course Diploma
- Special Orders Number 250, dated 14 September 1968
- Cross of Gallantry Certificate, dated 19 May 1969
- Air Medal Certificate, dated 14 October 1969
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), ending 18 August 1970

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 was awarded the Air Medal as a direct result of an airmobile combat operation participation with the South Vietnamese Special Forces in the Republic of Vietnam in March 1969 while assigned to 1st Battalion, 6th Infantry Regiment. They encountered hostile enemy forces with intensive small arms and mortar fire. All U.S. Army Soldiers, both officer and enlisted, engaged in the combat action during that air assault extraction mission, were awarded the Air Medal with “V” Device. His award omitted the valor portion in error. His commanding officer, Major B-, informed him that he personally signed the Air Medal citations to include the “V” Device for valor on that day. The complete incident description has been provided to the Board for their review.

3. The applicant provides the following:

a. Army Ranger Course Diploma as unspecified supporting evidence in his request for award correction.

b. Special Orders Number 250, dated 14 September 1968 showing his assignment to 1st Battalion, 6th Infantry Regiment while stationed in Vietnam effective 15 September 1968.

c. A Cross of Gallantry Certificate, dated 19 May 1969 showing he was awarded recognition for valor while engaged in combat actions against the North Vietnamese in the Quang Binh and Quang Tri Province fighting alongside the South Vietnamese Special Forces.

d. An Air Medal Certificate, dated 14 October 1969 showing he was awarded for meritorious achievement while participating in aerial flight in the Republic of Vietnam from 18 September 1968 to 4 January 1969.

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

a. His record is void of the DA Form 71 (Oath of Office – Military Personnel) showing his initial acceptance of a Reserve commission and execution of oath of office.

b. His DA Form 2-1 (Personnel Qualification Record – Part II) shows service in Vietnam from 6 September 1968 to 5 September 1969 for a period of 12 months. Block 9 (Awards, Decorations and Campaigns) shows he was awarded the following during his active duty service period:

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal with Device (1960)
- Air Medal
- Bronze Star Medal
- Overseas Service Bars (2)
- Republic of Vietnam Gallantry Cross Unit Citation with Palm
- Parachutist Badge
- Ranger Badge

c. General Orders Number 4264, dated 26 May 1969 shows he was awarded the Air Medal for meritorious achievement while stationed in Vietnam from 18 September 1968 to 4 January 1969.

d. On 18 August 1970, he was honorably released from active duty and returned to the U.S. Army Reserve. His DD Form 214 shows he completed 2 years, 9 months, and 16 days of active service. Block 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal (with 60 Device)
- Air Medal
- Overseas Service Bars (2)
- Bronze Star Medal
- Parachutist Badge
- Ranger Badge

5. A review of the applicant's record confirms he is eligible for awards and campaign credits that are not recorded on his DD Form 214. The entries will be added to his DD Form 214 as administrative corrections and will not be considered by the Board.

6. By regulation (AR 15-185), an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

7. By regulation (AR 600-8-22), the bronze "V" device indicates acts of heroism involving conflict with an armed enemy and authorizes the bronze "V" device in conjunction with awards of the Army Commendation Medal, the Air Medal, and the Bronze Star Medal.

8. Department of the Army General Orders Number 8, dated 1974, awarded the Republic of Vietnam Gallantry Cross Unit Citation with Palm to Headquarters, United States Army Vietnam, for service in Vietnam for the period of 20 July 1965 to 28 March 1973.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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 request and available military records, the Board determined there is insufficient evidence to support the applicant's contention for correction to his award of his Air Medal to show "with "V" Device. The Board noted

the applicant's Air Medal certificate for meritorious achievement in aerial flight from 18 September 1968 to 4 January 1969. However, General Orders Number 4264, dated 26 May 1969, confirm that the Air Medal was awarded for meritorious achievement, not for heroism in direct conflict with an armed enemy.

2. In accordance with Army Regulation 600-8-22, the bronze "V" device is authorized only when an award is specifically issued for acts of heroism involving conflict with an armed enemy. The governing orders and certificate for the applicant's Air Medal do not contain language indicating the award was for heroism, nor do they authorize the "V" device. While the applicant's Cross of Gallantry certificate and combat service are commendable, they are not sufficient to retroactively alter the nature of the Air Medal award without supporting orders or documentation explicitly authorizing the "V" device. Furthermore, the applicant's record is void any official documentation authorizing the V device in conjunction with the Air Medal. Based on this, the Board denied relief.

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. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, the Board found 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.

X //SIGNED//

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):

A review of the applicant's service records show he is authorized additional campaign credits and awards not annotated on his DD Form 214 for the service period ending 18 August 1970. As a result, amend his DD Form 214 to show:

- Republic of Vietnam Gallantry Cross Unit Citation with Palm
- four bronze service stars to his already awarded Vietnam Service Medal

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 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 begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. Army Regulation 600-8-22 (Military Awards) states the bronze "V" device indicates acts of heroism involving conflict with an armed enemy and authorizes the bronze "V" device in conjunction with awards of the Army Commendation Medal, the Air Medal, and the Bronze Star Medal. Although more than one award of the Army Commendation Medal, the Air Medal, or the Bronze Star Medal may be made for heroism to the same person, only one "V" device may be worn on awards of the Army Commendation Medal, the Air Medal, or the Bronze Star Medal.

4. Department of the Army Pamphlet 672-3 (Unit Citations and Campaign Participation Credit Register) assist commanders and personnel officers in determining or establishing the eligibility of individual members for campaign participation credit, assault landing credit, and unit citation badges awarded during the Vietnam Conflict. Department of the Army General Orders Number 8, dated 1974, awarded the Republic of Vietnam Gallantry Cross Unit Citation with Palm to Headquarters, United States Army Vietnam, for service in Vietnam for the period of 20 July 1965 to 28 March 1973.

//NOTHING FOLLOWS//