

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 February 2025

DOCKET NUMBER: AR20240005967

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), period ending 11 December 1979 item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded Authorized) to show a Bronze Star Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- Orders 144-093
- DD Form 214

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 entered the Army on 16 November 1971 and exited on 11 or 12 December 1971 with no break in service. He was awarded a Bronze Star Medal while in Vietnam which is not reflected in his records.
3. The applicant's service record shows the following:
 - a. The applicant enlisted in the Regular Army on 16 November 1971.
 - b. His DA Form 2-1 (Personnel Qualification Record) shows in item 9 (Awards, Decorations and Campaigns): no Bronze Star Medal.
 - c. His DD Form 214 shows he entered active duty on 3 November 1976 and separated on 11 December 1979. His characterization of service is not available for review. He completed 3 years, 1 month, and 9 days net active service this period. He had prior service of 4 years, 11 months, and 17 days net active service. Item 24

(Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) does not show the Bronze Star Medal.

d. His service record does not contain, and he does not provide any orders, evidence to show he was recommended for or awarded the Bronze Star Medal.

e. Review of the Awards and Decorations Computer-Assisted Retrieval System (ADCARS), 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 Bronze Star Medal.

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 petition and available military records, the Board found insufficient evidence to support the applicant's contentions for award of the Bronze Star Medal. The burden of proof rests with the applicant to provide substantiating documentation, this Board is not an investigative body.

2. The Board noted the applicant did not submit a DA Form 638 (Recommendation for Award), nor did he provide any orders or official documentation indicating he was recommended for or awarded the Bronze Star Medal. Furthermore, the applicant's DA Form 2-1 and DD Form 214 do not reflect receipt of this decoration. In the absence of supporting evidence. The Board agreed that the applicant has not met the burden of proof required to justify correction of his records to include the Bronze Star Medal. Therefore, relief is denied.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XXX	XXX	XXX	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.

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.

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 Army Board for Correction of Military Records (ABCMR), currently in effect, 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. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.
3. Army Regulation (AR) 600-8-22 (Military Awards) prescribes the Army policy, criteria, and administrative instructions concerning individual military decorations. It states the Bronze Star Medal is awarded to any person who, while serving in any capacity in or with the Armed Forces of the United States, or a friendly foreign nation, after 6 December 1941, distinguished himself or herself by heroic or meritorious achievement or service, not involving participation in aerial flight, 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 U.S. is not a belligerent party. As with all personal decorations, award of the Bronze Star Medal requires a formal

recommendation, approval through the chain of command, and announcement in orders.

//NOTHING FOLLOWS//