

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 February 2025

DOCKET NUMBER: AR20240005981

APPLICANT REQUESTS: award of the Army Good Conduct Medal, Bronze Star Medal and the Army Commendation Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- Office of the Adjutant General Official Statement
- DA Form 2496-1, Subject: Authorization to Wear Awards
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for service ending 21 December 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 requests to be awarded of the Army Good Conduct Medal, Bronze Star Medal and the Army Commendation Medal.
3. A review of the applicant's service record shows:
 - a. On 11 February 1969, the applicant was inducted into the Army of the United States.
 - b. DA Form 20 (Enlisted Qualification Record) shows the applicant was awarded:
 - (1) The Purple Heart by authority of General Orders Number 4900, issued by Headquarters (HQs), Americal Division, 16 May 1970.
 - (2) The Purple Heart with Oak Leaf Cluster by authority of General Orders Number 8791, issued by HQs, Americal Division, 8 July 1970.

(3) The Purple Heart with second Oak Leaf Cluster by authority of General Orders Number 13923, issued by HQs, Americal Division, 18 October 1970.

(4) The Bronze Star Medal by the authority of General Orders Number 8061, issued by HQs, Americal Division, 22 July 1970.

c. On 5 July 1970, General Orders Number 8061, issued by HQs, Americal Division, the applicant was awarded the Bronze Star Medal for his service in the Republic of Vietnam during the period of 1 February through 31 May 1970.

d. On 8 July 1970, General Orders Number 8791, issued by HQs, Americal Division, the applicant was awarded the Purple Heart with an Oak Leaf Cluster for his wounds he received in connection with military operation against a hostile force on 17 May 1970.

e. On 18 October 1970, General Orders Number 13923, issued by HQs, Americal Division, the applicant was awarded the Purple Heart with a second Oak Leaf Cluster for his wounds he received in connection with military operations against a hostile forces on 4 June 1970.

f. On 14 December 1970, a DA Form 2496-1, Subject: Authorization to Wear Awards was generated by the Adjutant of 4 Battalion, 31 Infantry Regiment which stated the applicant was authorized to wear the following awards under the authority of General Orders:

(1) The Purple Heart by authority of General Orders Number 4900, issued by Headquarters (HQs), Americal Division, 16 May 1970.

(2) The Purple Heart with Oak Leaf Cluster by authority of General Orders Number 8791, issued by HQs, Americal Division, 17 May 1970.

(3) The Purple Heart with second Oak Leaf Cluster by authority of General Orders Number 13923, issued by HQs, Americal Division, 4 June 1970.

(4) The Bronze Star Medal by the authority of General Orders Number 8061, issued by HQs, Americal Division, 1 February through 31 May 1970.

It also stated the applicant was to receive the Bronze Star Medal with Oak Leaf Cluster for service during the period of 1 June through 31 September 1970 and the Army Commendation Medal for his meritorious service while in the Republic of Vietnam.

g. On 21 December 1970. The applicant was honorably released from active duty and assigned to the U. S. Army Reserve Control Group (Annual Training). DD Form 214

shows the applicant completed 1-year, 10-month and 11-days of active service. It also shows in:

(1) Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Awarded or Authorized):

- National Defense Service Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- Vietnam Service Medal
- Purple Heart
- Bronze Star Medal
- Combat Infantryman Badge
- Vietnam Campaign Medal

(2) Item 30 (Remarks): Vietnam Service during the period of 7 February through 20 December 1970.

4. A 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 Military Awards Branch of the U.S. Army Human Resources Command, failed to reveal any orders for award of the Bronze Star Medal with Oak Leaf Cluster, Army Good Conduct Medal or the Army Commendation Medal pertaining to the applicant.

5. The Vietnam Casualty Roster shows two persons with the same first name, middle initial, and last name: however, one has the suffix of Junior and the social security number is different by one digit (the last number) but with two different casualty numbers or [REDACTED] and the other [REDACTED].

They both received a battle wound in action against hostile forces. The injury was not serious and he was not hospitalized. One was wounded on 16 May 1970 and the other wounded on 4 June 1970.

5. The applicant provides the Office of the Adjutant General Official Statement of Award of the Army Good Conduct Medal dated 14 July 1971, stated the official records of the applicant shows he is entitled to the Army Good Conduct Medal for his exemplary behavior, efficiency and fidelity in active Federal military service.

BOARD DISCUSSION:

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 review based on law, policy, and regulation.

a. Army Good Conduct Medal. Grant. Upon review of the applicant's petition and available military records, the Board determined there was sufficient evidence, including his service from 11 February 1969 to 21 December 1970, a period of 1 year, 10 months, and 11 days. Based on this, the Board granted relief to correct the applicant's record to reflect award of the Army Good Conduct Medal (First Award).

b. Bronze Star Medal. Grant. The Board determined on 5 July 1970, General Orders Number 8061, issued by HQs, Americal Division, awarded the Bronze Star Medal for the applicant's service in the Republic of Vietnam during the period of 1 February through 31 May 1970.

c. Army Commendation Medal. Deny. The Board concluded there was insufficient evidence, including a recommendation for award of the Army Commendation Medal, orders, or other instrument indicating the applicant was entitled to the award. Therefore, the Board denied relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

:XX :XX :XX GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 21 December 1970 by:

- awarding him the Army Good Conduct Medal (First Award) for the qualifying period 11 February 1969 to 21 December 1970
- adding the Army Good Conduct Medal (First Award) and Bronze Star Medal to his DD Form 214

2. The Board further determined that 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 award of the Army Commendation Medal.

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):

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 11 February 1969 through 21 December 1970, by: Add: Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized): three Bronze Service Stars to the Vietnam Service Medal 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 (AR) 600-8-22 (Military Awards) implements a part of the Army Awards Program. It prescribes Department of the Army (DA) policy, criteria, and procedures for individual and unit military awards and foreign decorations and badges.
 - a. Paragraph 1-27 (Announcement of awards), c. Badges. Permanent awards of badges, except Basic Marksmanship Qualification badges, identification badges (less the Guard, Tomb of the Unknown Soldier Identification Badge, and Military Horseman Identification Badge), will be announced in POs by commanders authorized to make the award before recording information in the Soldier's AMHRR.
 - b. Paragraph 3-16 (Bronze Star Medal) was established by EO 9419, 4 February 1944 (superseded by EO 11046, 24 August 1962, as amended by EO 13286, 28 February 2003 and the National Defense Authorization Act of 2011). Executive Orders 11046 authorizes the Secretary of the Army to award the BSM to any person who, while serving in any capacity with the Army, after 6 December 1941, distinguished themselves by heroic or meritorious achievement or service, not involving participation in aerial flight:
 - While engaged in an action against an enemy of the United States
 - While engaged in military operations involving conflict with an opposing foreign force
 - While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party
 - c. Chapter 4, section I (Army Good Conduct Medal), Regular Component enlisted Soldiers are eligible for award of the Army Good Conduct Medal for qualifying service beginning on or after 1 September 1982. The Army Good Conduct Medal qualification period may commence anytime during the 3-years immediately preceding the 1 September 1982 effective date.
 - d. Paragraph 3-19 (Army Commendation Medal) was established by War Department Circular 377, 18 December 1945 (amended in AGO 1960-10, 31 March 1960). The Army Commendation Medal is awarded to any Servicemember of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes themselves by heroism, meritorious achievement,

or meritorious service. The Army Commendation Medal may be awarded for combat-related service or achievement after 29 February 1964. Awards of the Army Commendation Medal may be made for acts of valor performed under circumstances described above which are of lesser degree than required for award of the Bronze Star Medal.

e. Paragraph 4-6 (Qualifying eligibility criteria for the Army Good Conduct Medal), throughout a qualifying period, each enlisted Soldier must meet all the following criteria for an award: the immediate commander evaluates the Soldier's character as above reproach and the record of service indicates that the Soldier has:

- Willingly complied with the demands of the military environment
- Been loyal and obedient to their superiors
- Faithfully supported the goals of their organization and the Army
- Conducted themselves in an exemplary manner as to distinguish them from fellow Soldiers

While any record of non-judicial punishment or unfavorable action could be in conflict with recognizing the Soldier's service as exemplary, such record should not be viewed as automatically disqualifying. The commander will analyze the record, considering the nature of the infraction and the circumstances under which it occurred and when.

//NOTHING FOLLOWS//