

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 January 2025

DOCKET NUMBER: AR20240007214

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of the:

- Purple Heart (2nd Award)
- Bronze Star Medal
- The Soldiers Medal
- Certificate of Appreciation

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

- DD Form 149 (Application for Correction of Military Record)
- Purple Heart certificate, for wounds received on 26 April 1968
- Bronze Star Medal certificate, 7 January 1969
- The Soldiers Medal certificate, for heroism on 28 January 1969
- Purple Heart certificate, for wounds received on 26 April 1969
- Certificate of Appreciation, 21 November 1969
- 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 enlisted in the United States Army Reserve on 6 February 1966. He served in military occupational specialty 12B (Combat Engineer).
3. His DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) shows he served on active duty as a member of the enlisted Reserve from 28 November 1966 to 19 April 1967, and he completed 4 months and 22 days of net active service this period. Additionally, block 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) lists the Sharpshooter Marksmanship Qualification Badge with Rifle Bar.

4. He enlisted in the regular Army and entered onto active duty on 20 April 1967.

5. His DA Form 20 (Enlisted Qualification Record) includes the following entries and information:

a. Item 29 (Qualification in Arms) - shows he qualified as a Sharpshooter with the rifle (M-14) on 15 May 1967.

b. Items 31 (Foreign Service) and 38 (Record of Assignments) show he received all "excellent" conduct and efficiency ratings throughout his entire period of active military service, and he served in the Republic of Vietnam from 20 July 1967 to 20 November 1969 while assigned to the following units:

(1) Company C, 1st Battalion, 327th Infantry Brigade, 101st Airborne Division (Airmobile), from 26 July 1967 to 7 May 1968;

(2) Company A, 326th Engineer Battalion, 101st Airborne Division (Airmobile) from 8 May 1968 to 14 November 1969.

c. Item 40 (Wounds) includes the entry, "Fragment Wound Left Side of Head [, on] 26Apr68."

d. Item 41 (Awards and Decorations) reflects the following awards:

- Army Commendation Medal
- National Defense Service Medal
- Parachutist Badge
- Air Medal
- Vietnam Service Medal with Device (1960)
- Combat Infantryman Badge
- Army Commendation Medal
- Distinguished Service Cross
- Meritorious Unit Citation with Palm

6. A Western Union Telegram, dated 30 April 1968, reads, the applicant "was slightly wounded in Vietnam on 26 April 1968 as a result of hostile action. He received a metal fragment wound to the head. He was on a combat operation when hit by a fragment from hostile rocket."

7. The applicant provides a copy of a Bronze Star Medal certificate awarded to him for meritorious achievement in ground operations against hostile forces in the Republic of Vietnam from 1 April to 30 November 1968. A review of his available records failed to reveal orders awarding him the Bronze Star Medal.

8. General Orders 1561, published by Headquarters, 101st Airborne Division, on 14 February 1969, awarded the applicant the Purple Heart for wounds sustained in action in the Republic of Vietnam, on 26 April 1968. The applicant provided the accompanying certificate.

9. General Orders Number 5863, published by Headquarters, 101st Airborne Division, on 27 May 1969, awarded him the Soldiers Medal.

10. General Orders 12250, published by Headquarters, 101st Airborne Division, on 20 September 1969, awarded the applicant the Purple Heart for wounds sustained in action in the Republic of Vietnam, on 26 April 1969. The applicant provided the accompanying certificate.

11. He provides a copy of a Certificate of Appreciation dated 21 November 1969.

12. He was honorably released from active duty on 21 November 1969. His last duty assignment and major command was the 326th Engineer Battalion, 101st Airborne Division, United States Army Vietnam (USARV). Item 22c (Foreign and/or Sea Service) does not contain the last overseas theater his service was performed. The applicant's DD Form 214 shows he was awarded or authorized the:

- Army Commendation Medal
- National Defense Service Medal
- Parachutist Badge
- Air Medal
- Vietnam Service Medal with Device (1960)
- Combat Infantryman Badge
- Army Commendation Medal
- Distinguished Service Cross
- Meritorious Unit Citation with Palm

13. 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 request and available military records, the Board determined the applicant's service records supports the award of the Army Good Conduct Medal (AGCM) for the period 20 April 1967 through 19 April 1970, as evidenced by consistent "excellent" conduct and efficiency ratings throughout his service. The Board noted, that General Orders 1561 and 12250 confirm the applicant was awarded two Purple Hearts for wounds sustained in combat operations in the Republic of Vietnam on 26 April 1968 and 26 April 1969, respectively. These awards were not annotated on his DD Form 214 and should be added.

2. Furthermore, the Board agreed, although the applicant's record is absent general orders, the Bronze Star Medal certificate is sufficient evidence for correction to his DD Form 214 to show award of the Bronze Star Medal (BSM) for meritorious achievement in ground operations against hostile forces in Vietnam from 1 April to 30 November 1969. However, the Board determined based regulatory guidance AR 600-8-22, certificates of appreciation are not authorized for entry on the DD Form 214. While the applicant's valor and service are commendable, only those awards substantiated by official orders are eligible for annotation on the DD Form 214. As such, partial relief is granted.

3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction be 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 in: Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):

- o Purple Heart w/ 1 oak leaf cluster
- o Bronze Star Medal
- o and awarding him the Army Good Conduct Medal (1st Award) for exemplary service from 20 April 1967 through 19 April 1970, and adding the medal to his DD Form 214 for the period ending 19 April 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 adding the certificate of appreciation to the applicant's DD Form 214.

X //SIGNED//

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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 21 November 1969 without action by the Board:

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

- Soldiers Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation
- Vietnam Service Medal with 1 silver and 3 bronze service stars

c. add to item 22c (Foreign and/or Sea Service), USARV.

#### 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) provides -

a. The Purple Heart is awarded for a wound sustained while in action against an enemy or as a result of hostile action. Substantiating evidence must be provided to verify that the wound was the result of hostile action, the wound must have required treatment by medical personnel, and the medical treatment must have been made a matter of official record. No more than one award will be made for wounds received in the same action/instance on the same day.

b. There is no provision for entering a certificate of achievement of the DD Form 214.

5. Army Regulation 635-5 (Personnel Separations – Separation Documents), then in effect, prescribes the separation documents that will be furnished each individual who is separated from the Army including Active Duty Training personnel and cadets from the U.S. Military Academy. The purpose of a separation document is to provide the individual with documentary evidence of their military service. It established standardized policy for the preparation of the DD Form 214 and stated:

a. For item 22c, enter the total period of active duty served outside of the continental limits of the United States for the period covered by the DD Form 214 and to enter the last overseas theater (e.g., USARVN) in which the service was performed.

b. Officer and Enlisted personnel separated honorably after 1 August 1964, who meet specific criteria will be issued a Certificate of Appreciation signed by the Chief of Staff, U.S. Army. The certificate is an expression of gratitude to the individual and is not intended to have any legal effect on entitlement to veteran's benefits. Accordingly, a copy of the certificate, or a notation that the member has or has not received the certificate, will not be made a part of the member's permanent military record.

6. 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. A silver service star is authorized in lieu of five bronze service stars. Appendix B shows that during his service in the Republic of Vietnam, participation credit was awarded for the following eight campaigns:

- Vietnam Counteroffensive, Phase III
- TET Counter Offensive
- Vietnam Counteroffensive, Phase IV
- Vietnam Counteroffensive, Phase V
- Vietnam Counteroffensive, Phase VI
- TET 69 Counteroffensive

- Vietnam Summer-Fall 1969
- Vietnam Winter-Spring 1970

7. 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 C, 1st Battalion, 327th Infantry Brigade, 101st Airborne Division (Airmobile), his unit was cited for award of the Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation, for the period 18 March 1968 to 2 May 1970, by DAGO Number 48, dated 1971. Paragraph 6d, states that DAGO Number 8, dated 1974, announced award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Army Vietnam, and its subordinate units for the period 20 July 1965 to 28 March 1973.

8. 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//