

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 March 2025

DOCKET NUMBER: AR20240007864

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

- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Action Honor Medal First Class Unit Citation
- Valorous Unit Award
- Bronze Star Medal

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored Letter
- Lineage And Honors Information
- 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 according to the lineage and honors document for the 3rd Battalion, 39th Infantry, the unit he served with was entitled to the Republic of Vietnam Gallantry Cross with Palm Unit Citation, the Republic of Vietnam Civil Actions Honor Medal, First Class, and the Valorous Unit Award. Additionally, he believes he was given a Bronze Star Medal, and it was not listed on his DD Form 214. He served in Vietnam and traveling daily on Route 1, he was confronted with road mines, sniper fire, and hostile fire (ambush). He placed his life at risk every day through multiple types of journeys. He was awarded the Bronze Star Medal for placing his life on the line saving another Soldier from a mortar attack. The award was presented by his noncommissioned officer prior to his rotation back to the states but was not presented by his Commanding Officer.

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

a. He was inducted into the Army of the United States on 6 March 1967.

b. His DA Form 20 (Enlisted Qualification Record) shows in:

(1) item 31 (Foreign Service) – Vietnam, from 1 December 1967 to 30 November 1968.

(2) item 38 (Record of Assignments) – he received "excellent" conduct and efficiency ratings, and was assigned to Headquarters and Headquarters Company, 3rd Battalion, 39th Infantry, 9th Division, in Vietnam

(3) item 41 (Awards, Decorations and Campaigns) – National Defense Service Medal, Vietnam Service Medal, Vietnam Campaign Medal with Device (1960), Overseas Service Bar, Army Commendation Medal, and Sharpshooter Marksmanship Qualification Badge with Rifle Bar.

c. He was honorably released from active duty on 26 November 1968. His DD Form 214 shows he completed 1 year, 8 months, 21 days of active service with 11 months and 26 days of active service. It also shows he was awarded or authorized:

- Army Commendation Medal
- National Defense Service Medal
- One Overseas Service Bar
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)

d. The available service record was void of orders or additional documentation to show award of the Bronze Star Medal.

e. On 19 June 2024 a DD Form 215 (Correction to DD Form 214) was issued through an administrative correction to show:

- Delete: Vietnam Service Medal
- Add: Valorous Unit Award, Vietnam Service Medal with one silver service star, Republic of Vietnam Gallantry Cross with Palm Unit Citation, Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation

5. A 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 U.S. Army Human Resources Command Military Awards Branch, failed to reveal any orders for the Bronze Star Medal pertaining to the applicant.

6. His records are void of commander's disqualification for award of the Army Good Conduct Medal for the period 6 March 1967 through 26 November 1968, additionally, there is no evidence of a court-martial conviction or any other factors in his record that would preclude him from award of the Army Good Conduct Medal (1st Award).

BOARD DISCUSSION:

1. 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. Based upon the available documentation, the Board made the following findings and recommendations related to the requested relief:

- Add Republic of Vietnam Gallantry Cross with Palm Unit Citation: DENY, based upon the award being added by a DD Form 215 on 19 June 2024.
- Add Republic of Vietnam Civil Action Honor Medal First Class Unit Citation: DENY, based upon the award being added by a DD Form 215 on 19 June 2024.
- Add Valorous Unit Award: DENY, based upon the award being added by a DD Form 215 on 19 June 2024.
- Add Bronze Star Medal: DENY, based upon the lack of documentation showing the applicant was ever submitted for and approved for the BSM during his period of military service.

2. Prior to closing the case, the Board noted the honorable service completed by the applicant and recommended the applicant be awarded the AGCM and it be added to his DD Form 214.

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:

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 honorable service completed by the applicant and recommended the applicant be awarded the AGCM and it be added to his DD Form 214.

//SIGNED//

X

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 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. The Bronze Star Medal is awarded in time of war for heroism and for 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 United States is not a belligerent party. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.
3. 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 immediate commander made a positive recommendation for its award and until the awarding authority announced the award in general orders.

//NOTHING FOLLOWS//