

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 April 2025

DOCKET NUMBER: AR20240008184

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of United States Report of Transfer or Discharge) to show award of his Air Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- Air Medal Citation
- 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 was awarded the Air Medal, and it was not listed on his DD Form 214. He was awarded the Air Medal due to his distinguished meritorious achievement while participating in sustained aerial flight, in support of combat ground forces in the Republic of Vietnam.
3. A review of the applicant's service record shows:
 - a. He was inducted into the Army of the United States on 21 April 1970.
 - b. His DA Form 20 (Enlisted Qualification Record) shows in:
 - (1) item 31 (Foreign Service) – Vietnam, from 17 September 1970 to 17 September 1971
 - (2) item 38 (Record of Assignments) – he received "excellent" conduct and efficiency ratings, and was assigned to Company D, 3rd Battalion, 1st Infantry Regiment, 23rd Infantry Division in Vietnam

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

c. He was honorably released from active duty on 15 December 1971. His DD Form 214 shows he completed 1 year, 7 months, 25 days of active service with 1 year and 1 day of foreign service. It also shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal with one bronze service star
- Vietnam Campaign Medal with Device (1960)
- Two Overseas Service Bars
- Army Commendation Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- Combat Infantryman Badge

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

4. A review of the applicant's record confirms he is eligible for awards 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.

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 Air Medal pertaining to the applicant.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that 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. The Board was convinced by a preponderance of the evidence, including the Air Medal Citation which shows the applicant was awarded the Air Medal. In addition, the Board notes the applicant should have received the Army Good Conduct Medal as a result of his honorable service. Therefore, the Board determined relief was warranted and granted relief.

2. Administrative Note: A review of the applicant's service records show he is authorized additional awards not annotated on his DD Form 214. As a result, amend his DD Form 214 for the service period ending 15 December 1971 to add the following:

- Expert Marksmanship Qualification Badge with Hand Grenade
- Second Class Marksmanship Qualification Badge with Machine Gun Bar (M-60)
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending his DD Form 214, for the period ending 15 December 1971 to show he was authorized and awarded the following:

- Air Medal
- Army Good Conduct Medal for the period 21 April 1970 to 15 December 1971
- Expert Marksmanship Qualification Badge with Hand Grenade
- Second Class Marksmanship Qualification Badge with Machine Gun Bar (M-60)
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

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 awards not annotated on his DD Form 214. As a result, amend his DD Form 214 for the service period ending 15 December 1971 to add the following:

- Expert Marksmanship Qualification Badge with Hand Grenade
- Second Class Marksmanship Qualification Badge with Machine Gun Bar (M-60)
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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. 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

3. Army Regulation 600-8-22 (Military Awards) states the Air Medal is awarded in time of war for heroism and for meritorious achievement or service while participating in aerial flight. This award is primarily intended for personnel on flying status, but may also be awarded to those personnel whose combat duties require them to fly; for example, personnel in the attack elements of units involved in air-land assaults against an armed enemy. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

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 (DAGO) 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//