

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 February 2025

DOCKET NUMBER: AR20240008268

APPLICANT REQUESTS: upgrade of his award of the Bronze Star Medal to Bronze Star Medal with "V" device and correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show it.

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

- DD Form 149 (Application for Correction of Military Record), 1 April 2024
- USARV Form 157-R (Recommendation for Decoration for Valor or Merit), 11 May 1969
- Statement, S-4 Officer, Headquarters (HQ) Company, 1st Battalion (Airmobile) (AM), 5th Cavalry, undated
- Proposed Citation, Bronze Star Medal for Heroism, undated

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 recommended for the Broze Star Medal with "V" device while he was still in Vietnam. He never received the award. Papers for his award recommendation were misplaced but recently found.
3. As a new and additional issue, the Board will consider the applicant's authorization for the Combat Medical Badge.
4. The applicant provided copies of:
 - a. A USARV Form 157-R, reflecting he was recommended for battalion level approval for the Bronze Star Medal with "V" device by his Commanding Officer, 1st Battalion (AM), 5th Cavalry Division, on 11 May 1969.

b. A typewritten statement certified by the Assistant Adjutant, 1st Battalion (AM), 5th Cavalry Regiment.

c. An undated proposed citation for the BSM with "V" device.

5. The applicant's records contain sufficient evidence to support additional awards and administrative correction of his DD Form 214 and will be listed in the administrative notes section.

6. A review of the applicant's service records reflects:

a. On 15 April 1968, he completed an oath of office and he was appointed an officer in the Army of the United States, Medical Corps, at the grade of first lieutenant.

b. On 7 June 1968, he was assigned to temporary duty at Medical Field Service School for 4 weeks with a further assignment to U.S. Army Oversea Replacement Station, Oakland Army Base. His military occupational specialty was 3100 (General Medical Officer).

c. On 8 July 1968, he was promoted to captain (CPT)/O-3.

d. On 9 August 1968, he deployed to Vietnam.

e. On 17 August 1968, he was assigned to Headquarters and Headquarters Company, 1st Battalion (AM), 5th Cavalry, 1st Air Cavalry Division, and he was assigned to this unit until 1 March 1969.

f. On 2 March 1969, he was assigned to 85th Evacuation Hospital, Vietnam in the duty role of general medical officer.

g. On 8 August 1969, he returned from Vietnam to the Continental United States; he completed service in Vietnam during four campaigns:

- Vietnam Counteroffensive, Phase V, 1 July 1968 – 1 November 1968
- Vietnam Counteroffensive, Phase VI, 2 November 1968 – 22 February 1969
- TET 69 Counteroffensive, 23 February 1969 – 8 June 1969
- Vietnam Summer – Fall I 1969, 9 June 1969 – 31 October 1969

h. His DA Form 66 (Officer Record Brief), item 21 (Awards and Decorations) lists:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)

- 1 overseas bar

i. Special Orders Number 112, issued by HQ, Walter Reed Army Medical Center, discharged him from active duty, effective 7 July 1970.

j. On 7 July 1970 he was discharged. His DD Form 214 shows service in Vietnam from 15 August 1968 to 8 August 1969, and he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)

k. On 20 August 1990, the applicant requested Department of the Army, Army Personnel Center (ARPERCEN), to approve his award for the Bronze Star Medal with "V" device. With his request he enclosed copies of USARV Form 157-R, a statement from his commanding officer, and a proposed citation for the award. He mentions also that he had already received his Combat Medical Badge.

(1) The statement from his S-4 Officer, HQ, 1st Battalion, 5th Cavalry, reads, in part, "On 7 December 1969, [Applicant] distinguished himself by exceptionally valorous action while serving as Battalion Surgeon, of the 1st Battalion (AM) 5th Cavalry. The Battalion real located at Tay Ninh West, Republic of Vietnam, came under an extremely heavy rocket and mortar attack. Upon hearing the cry for medic, [Applicant] dashed from the shelter of his bunker and raced through the deadly barrage in search for wounded soldiers. Several rounds hit the 5th Cavalry's area. With complete disregard for his personal safety, [Applicant] continued his search until he located several wounded men. Ignoring the rounds that were still falling, [Applicant] led them to the Battalion Aid Station. He then exposed himself again as he searched for more wounded and found two from another unit. He once more led these men to the Aid Station and began treatment completely oblivious to the enemy attack."

(2) The proposed citation reads, "For heroism in action not involving participation in aerial flight in connection with military operations against a hostile force in the Republic of Vietnam. [Applicant] distinguished himself by exceptionally valorous action on 7 December 1969, while serving as the battalion surgeon of the 1st Battalion (AM) 5th Cavalry during a rocket and mortar barrage in Tay Ninh West, Republic of Vietnam. Upon hearing the cry of medic [Applicant] dashed from his shelter and raced through the barrage of rockets and mortars in search for the wounded. Most of the damage was centered around the sleeping quarters of the mess personnel. Several buildings had taken a direct hit and burning shrapnel was still flying in all directions. [Applicant] located several of the less seriously wounded and escorted them to the battalion aid station where they were treated for minor lacerations. Ignoring the rounds that were still falling, [Applicant] returned to the disaster area and began probing the debris for more

wounded. Again, he found a Soldier lying prostrate and suffering from a stomach wound. Giving him first aid and making him as comfortable as possible he called for assistance and directed that they bring the wounded man to the battalion aid station. In the course of the evening [Applicant] treated a total of 13 men for minor and major wounds. [Applicant's] display of personal bravery and devotion to duty is in keeping with the highest traditions of the military service and reflects grate credit upon himself, his unit, and the United States Army."

l. On 10 September 1991, the Adjutant General, ARPERCEN returned his request without action based on the Army Regulation 672-5-1 (Military Awards) requirement that a recommendation for approval of a personal decoration must be approved within 4 years by the Secretary of the Army. With its response, ARPERCEN enclosed a DA Form 1577, listing awards he was authorized, including the National Defense Service Medal, Vietnam Service Medal with four bronze service stars, and Republic of Vietnam Campaign Medal with Device (1960).

m. His records are void of orders awarding him the Bronze Star Medal with "V" device and the Combat Medical Badge.

n. On 1 March 2005, AHRC issued Permanent Order Number 060-26, awarding him the Broze Star Medal for meritorious service for the date of service of 7 December 1968.

o. 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 with "V" device pertaining to the applicant.

7. By Regulation 672-5-1 (Decorations and Awards):

a. The Bronze Star Medal is awarded to any person who, while serving in any capacity in or with the Army of the United States after 6 December 1941, distinguishes themselves by heroic or meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy; while engaged in military operations involving conflict with an opposing armed force in which the United States in not a belligerent party.

b. The Combat Medical Badge was awarded to colonels and below who were a member of the medical department assigned or attached to a medical unit of an infantry unit of brigade or regimental or smaller size, or as a member of the medical platoon of an infantry or airborne brigade headquarters company, during any period the infantry unit was engaged in active ground combat. They recipient must have been assigned by

appropriate Vietnam unit engaged in actual ground combat or as a member of a US Army unit or detachment, the Republic of Vietnam unit must have been of regimental size or smaller and must have been personally under hostile fire while assigned.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was/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 Board determined there is sufficient evidence to support award of the combat medical badge and upgrade of the applicant's award of the Bronze Star Medal to Bronze Star Medal with "V" device.
2. The Board noted, the applicant's Bronze Star Medal was awarded for meritorious service in Vietnam, and while the original citation does not specify valorous conduct, the supporting narrative and eyewitness accounts submitted with the application describe actions consistent with heroism in combat. Specifically, the applicant is reported to have performed under direct enemy fire while rendering aid and coordinating evacuation of wounded personnel, demonstrating courage and composure in life-threatening conditions. These actions meet the criteria for the "V" device, which recognizes acts of heroism involving conflict with an armed enemy.
3. Furthermore, the Board found that the applicant met the regulatory requirements for award of the Combat Medical Badge. Per Army Regulation 600-8-22, the CMB is authorized for medical personnel assigned or attached to infantry units of brigade or smaller size who provide medical support during ground combat. The applicant's records reflect that he was assigned to a forward-deployed unit engaged in active ground operations and that he performed medical duties under hostile conditions. The Board found credible evidence that the applicant provided medical care while under fire, satisfying the criteria for award of the CMB. The Board agreed based on the totality of the evidence, including the applicant's documented service, credible witness statements, and alignment with regulatory standards the applicant's actions warrant recognition for valor and combat medical service. Therefore, the Board granted relief to upgrade the Bronze Star Medal to include the "V" device and award of the Combat Medical Badge.

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

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 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 by adding in item 24 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) – Bronze Star Medal with V Device and the Combat Medical Badge.

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): The applicant's records contain sufficient evidence to support additional awards not shown on his DD Form 214 and should be administratively corrected to show award of:

- four bronze service stars to his previously-issued Vietnam Service Medal
- Meritorious Unit Commendation
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation with one oak leaf cluster

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 572-5-1 (Military Awards), then in effect, promulgated Department of the Army policy, criteria, and administrative instructions concerning individual military awards.

a. Paragraph 1-13. Time limitation. Each recommendation for an award of a military decoration must be entered administratively into military channels within 2 years of the act, achievement, or service to be honored. No military decoration except the Purple Heart and an indicated will be awarded more than 3 years after the act or period of service to be honored.

b. Paragraph 1-30. Lost Recommendations. If the Secretary of the Army determines that a statement setting forth the distinguished act, achievement, or service and recommending official recognition of it was made and supported by sufficient evidence within 2 years after the distinguished service and that no award was made because the statement was lost or through inadvertence the recommendation was not acted upon, he may, within 2 years after the date of the determination, award any appropriate military decoration, or oak leaf cluster in lieu thereof, to the person concerned.

a. Paragraph 2-14. Bronze Star Medal. The Bronze Star Medal is awarded to any person who, while serving in any capacity in or with the Army of the United States after 6 December 1941, distinguishes themselves by heroic or meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy; while engaged in military operations involving conflict with an opposing armed force in which the United States is not a belligerent party. Awards may

be made for acts of heroism, performed under circumstances described above, which are of lesser degree than required for the award of the Silver Star. In each case the proponent for an award is responsible for providing the following to HQDA:

(1) Conclusive evidence of the formal submission of the recommendation into military channels.

(2) Conclusive evidence of the loss of the recommendation or the failure to act on the recommendation through inadvertence.

(3) A copy of the original recommendation, or its substantive equivalent. As a minimum, the recommendation should be accompanied by statements, certificates, and/or affidavits corroborating the events or services involved.

b. Paragraph 5-8. Combat Medical Badge.

(1) Eligibility requirements.

(a) A member of the Army Medical Department (colonels and below), the Naval Medical Department (captains or below) or the Air Force Medical Service (colonels and below) assigned or attached to the Army, must have satisfactorily performed medical duties subsequent to 6 December 1941 while assigned or attached to a medical unit of an infantry unit of brigade, regimental or smaller size, or as a member of the medical platoon of an infantry or airborne brigade headquarters company, during any period the infantry unit was engaged in active ground combat. Battle participation credit is not sufficient; the infantry unit must have been in contact with the enemy.

(b) A member of the Army Medical Department (colonels and below), the Naval Medical Department (captains or below) or the Air Force Medical Service (colonels and below) assigned or attached to the Army serving in the Republic of Vietnam and Laos during the dates specified and under the criteria listed in b and c below.

(c) One award of the medical badge is authorized to each individual for each war in which the requirements in (1) and (2) above and b through e below, are met. Successive awards are indicated by superimposing stars on the badge as follows: second award, one star at the top center above the cross, and third award, two stars, one at the top center above the cross and one at the bottom center of the wreath.

(d) Only one award of the Combat Medical Badge is authorized for service in Vietnam, Laos, and the Dominican Republic, regardless of whether an individual has served one or more tours in one or more of these areas. If the Combat Medical Badge has been awarded for service in these areas, the Combat Infantryman Badge may not be awarded.

(2) Republic of Vietnam.

(a) Subsequent to 1 March 1961:

- Must have been assigned by appropriate Vietnam unit engaged in actual ground combat or as a member of a US Army unit or detachment, including Special Forces Teams, serving with a Republic of Vietnam unit engaged in actual ground combat.
- The Republic of Vietnam unit must have been of regimental size or smaller and either an infantry unit, ranger unit, infantry type unit of the civil guard, infantry-type unit of the self-defense corps, or of the irregular forces.
- Must have been personally under hostile fire while assigned as specified in (a) and (b) above.

(b) Subsequent to 24 May 1965: Personnel serving in US units must meet the requirements of a (1) above.

c. Paragraph 10-29. "V" device. The "V" Device is worn centered on the suspension ribbon and ribbon bar of Air Medal, Bronze Star Medal, Army Commendation Medal, and Joint Service Commendation Medal.

3. Army Regulation 600-8-22 (Military Awards), currently in effect, prescribes Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. 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.

b. The bronze "V" device indicates acts of heroism involving conflict with an armed enemy and authorizes the device in conjunction with awards of the Army Commendation Medal, the Air Medal, and the Bronze Star Medal. Although more than one award of the Army Commendation Medal, the Air Medal, or the Bronze Star Medal may be made for heroism to the same person, only one "V" device may be worn on awards of these medals.

c. The Vietnam Service Medal was awarded to all service members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through

28 March 1973. Qualifying service included attachment to or assignment for 1 or more days with an organization participating in or directly supporting military operations.

4. Department of the Army General Orders Number 8, 19 March 1974, confirmed award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Military Assistance Command, and its subordinate units during the period 8 February 1962 to 28 March 1973 and to Headquarters, U.S. Army Vietnam, and its subordinate units during the period 20 July 1965 to 28 March 1973.

5. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register (January 1960 – February 1986)), in effect at the time, shows:

a. his unit, 1st Battalion, 5th Cavalry, was awarded the:

- Republic of Vietnam Gallantry Cross with Palm Unit Citation by Department of the Army General Order (DAGO) Number 59, 1969, for the period 9 August 1965 to 19 May 1969
- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation by DAGO Number 42, 1972, for the period 1 January 1969 to 1 February 1970;

b. his unit, 85th Evacuation Hospital was awarded:

- Meritorious Unit Commendation by DAGO Number 51, 1971, for the period 1 August 1968 to 31 July 1969
- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation by DAGO Number 52, 1971, for the period 1 December 1968 to 31 July 1970; and

c. he served in Vietnam during four campaigns:

- Vietnam Counteroffensive, Phase V, 1 July 1968 – 1 November 1968
- Vietnam Counteroffensive, Phase VI, 2 November 1968 – 22 February 1969
- TET 69 Counteroffensive, 23 February 1969 – 8 June 1969
- Vietnam Summer – Fall I 1969, 9 June 1969 – 31 October 1969

//NOTHING FOLLOWS//