

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 January 2025

DOCKET NUMBER: AR20240008302

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

- Already awarded Bronze Star Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- 12 years of civilian education

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

- DD Form 149 (Application for Correction of Military Record)
- 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. A review of the applicant's DD Form 214 shows the Republic of Vietnam Campaign Medal with Device (1960) is already listed as "RVNCM." Additionally, on 30 July 2015, and based on the applicant correction request, the Army Review Boards Agency issued the applicant a DD Form 215 (Correction to DD Form 214). The form revised the applicant's civilian education to reflect 12 years with a high school diploma and added awards for which he was eligible. Based on the foregoing, the Board will only address the applicant's request to add his already awarded Bronze Star Medal to his DD Form 214.
3. The applicant states his current DD Form 214 does not show the Bronze Star Medal he received in 1970 for his service in Vietnam; the Department of Veterans Affairs (VA) sent him the medal he never received. He willingly served his country without question and he is now asking the country to show consideration for his request. He submits a copy of his DD Form 214 in support of his application.

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

a. On 29 September 1969, the applicant enlisted into the Regular Army for 3 years; upon completion of initial entry training and the award of military occupational specialty 64A (Light Vehicle Driver), orders transferred the applicant to Vietnam, and he arrived in country, on 24 August 1970. Effective 2 September 1970, orders further assigned him to a transportation unit in the U.S. Army Support Command, Saigon.

b. On 23 August 1971, the applicant completed his Vietnam tour and orders reassigned him to Fort Lewis, WA; he arrived at his new unit, on or about 24 September 1971. On 28 September 1972, the Army honorably released him from active duty and transferred him to the U.S. Army Reserve for the remainder of his military service obligation. His DD Form 214 shows he completed his 3-year enlistment contract, and item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) lists the following:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Two overseas service bars
- Sharpshooter Marksmanship Qualification Badge with Rifle Bars (M-14 and M-16)

c. On 29 October 2014, the applicant petitioned the ABCMR, requesting the correction of his DD Form 214 to show he was a high school graduate and had been awarded Driver and Mechanic Badge with Wheeled Vehicle Component Bar. On 18 June 2015, the Board granted his request and directed the correction of his civilian education and added the following awards:

- Army Good Conduct Medal (1st Award)
- Vietnam Service Medal with two bronze service stars
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Driver and Mechanic Badge with Wheeled Vehicle Component Bar

d. The applicant's available service record is void of any General Orders awarding him the Bronze Star Medal. In addition, item 41 (Awards and Decorations) of his DA Form 20 (Enlisted Qualification Record) does not list the Bronze Star Medal.

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.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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 found no evidence to support the applicant was awarded the Bronze Star Medal, not limited to a recommendation for the award or a certificate or citation.

2. The Board noted the applicant's DD Form 214 show the Republic of Vietnam Campaign Medal with Device (1960) listed as "RVNCM" and that a DD Form 215 was previously issued to the applicant revising his civilian education.

BOARD VOTE:

Mbr 1	Mbr 2	Mbr 3	
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:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

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.

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.

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. U.S. Army, Vietnam (USARV) Regulation 672-1 (Decorations and Awards), in effect at the time, prescribed policies and procedures of military awards to Soldiers serving in Vietnam.

a. Appendix I (Criteria for Award of Individual Decorations) stated the Bronze Star Medal could be awarded for heroism, meritorious achievement, or service. The regulation placed two restrictions on this award: first, the act or service could not involve participation in aerial flight; second, the act of service had to have been performed in connection with military operations against an armed enemy (this included combat, combat support, and combat supply operations).

b. Commanding Generals of separate brigades were authorized to award the Bronze Star Medal.

3. Army Regulation (AR) 600-8-22 (Military Awards), currently in effect, prescribes policies and procedures for military awards. It states:

a. Paragraph 1-14 (Time Limitation). Pursuant to Title 10, United States Code (USC), section 1130 (Consideration of Proposals for Decorations not Previously Submitted in a Timely Fashion: Procedures for Review), requests for upgrading a Soldier's decoration can be submitted through his/her Member of Congress to the Secretary of the Army for a determination. The procedures are outlined in Appendix F (Initial Consideration/Reconsideration of an Award through a Member of Congress).

b. Paragraph 3-16 (Bronze Star Medal). 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. If the awards approval authority opts to downgrade a Bronze Star Medal recommendation, the downgrade will be to an Army Commendation Medal.

c. Appendix F.

(1) Members of Congress may request consideration for upgrading a decoration that is not otherwise authorized to be presented or awarded due to limitations established by law or policy for timely submission of a recommendation. Based upon a review, the Secretary of the Army will make a determination as to the merits of approving the award or presentation of the decoration and other determinations necessary to comply with congressional reporting under Title 10 USC, Section 1130.

(2) All commanders in the former chain of command, to include the awards approval authority for the request, must endorse the recommendation for approval, downgrade, or disapproval as appropriate in the intermediate authority blocks on the award form. Every attempt must be made by the recommender to obtain the original chain of command's endorsement for all award recommendations. In the event an individual is not available, the recommender must provide documentation, such as a memorandum of record, emails, or letters, which can verify they have taken all reasonable steps to locate the individual.

(3) The recommender must complete the following documentation for submission to his/her Member of Congress:

- DA Form 638 (Recommendation for Award) along with a proposed citation and narrative
- Supporting documentation justifying the award
- Chain of command endorsements or documents showing the reasonable steps taken to locate unavailable members of the chain of command
- DD Form 214

(4) Upon receipt, the Member of Congress prepares endorsements and then forwards the recommendation through the Army's Congressional Liaison Office to the U.S. Army Human Resources Command (HRC). HRC reviews the documentation and makes a recommendation to the Secretary of the Army for his/her determination.

4. AR 15-185 (Army Board for Correction of Military Records (ABCMR), currently in effect, states:

a. Paragraph 2-2 (ABCMR Functions). The ABCMR decides cases on the evidence of record; it is not an investigative body.

b Paragraph 2-9 (Burden of Proof) states:

(1) The ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).

(2) The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

//NOTHING FOLLOWS//