

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 February 2025

DOCKET NUMBER: AR20240008398

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

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. The applicant states, his Bronze Star Medal is currently not listed on his DD Form 214. They simply had forgotten to add it.
3. The applicant has service in Vietnam from 20 October 1967 through 12 November 1968.
4. The applicant is authorized foreign service credit and additional awards not currently listed on his DD Form 214. These changes will be administratively corrected in the "Administrative Notes" section of this document without the need for Board action.
5. The applicant's service record shows:
 - a. He was inducted into the Army of the United States on 13 April 1967.
 - b. The applicant's DA Form 20 (Enlisted Qualification Record) shows in:
 - item 31 (Foreign Service): 20 October 1967 through 12 November 1968 U.S. Army Pacific (USARPAC)-Vietnam

- item 38 (Record of Assignments): 1st Administration Company, 1st Division USARPAC, from 10 October 1967 to 12 November 1968
- item 41 (Awards and Decorations): National Defense Service Medal, Vietnam Service Medal with one bronze service star, Vietnam Campaign Medal, Meritorious Unit Commendation, Army Good Conduct Medal, two overseas bars

c. His DD Form 214 shows he was honorably released from active duty on 16 November 1968. He completed 1 year, 7 months, and 4 days of active duty service, and 1 year and 26 days of foreign service. His grade at the time of discharge was specialist (SPC)/E-4. He was awarded and/or qualified for the following awards:

- National Defense Service Medal
- Vietnam Campaign Medal
- Vietnam Service Medal
- Army Good Conduct Medal

6. 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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence of record shows the applicant served in Vietnam from 20 October 1967 through 12 November 1968. His record is void of evidence showing he was recommended for or awarded the Bronze Star Medal. The Board found insufficient evidence to support the applicant was awarded the Bronze Star Medal and therefore denied relief.

2. Prior to closing the discussion, the Board reviewed and concurred with the administrative notes below.

BOARD VOTE:

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

ADMINISTRATIVE NOTE(S):

A review of the applicant's records shows he is authorized foreign service credit and awards not listed on his DD Form 214. As a result, amend his DD Form 214 for the period ending 16 November 1968, by amending

a. Item 30 (Remarks) to read "Service in Vietnam from 20 October 1967 through 12 November 1968"

b. Item 24 (Awards) to show he was authorized the following awards:

- Two overseas service bars
- Meritorious Unit Commendation (2nd Award)
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

- Vietnam Service Medal with one silver service star, the applicant participated in the following campaigns:
 - Vietnam Counteroffensive, Phase III, 1 June 1967- 29 January 1968
 - TET Counteroffensive, 30 January 1968-1 April 1968
 - Vietnam Counteroffensive, Phase IV, 2 April 1968-30 June 1968
 - Vietnam Counteroffensive, Phase V, 1 July 1968-1 November 1968
 - Vietnam Counteroffensive, Phase VI, 2 November 1968-22 February 1969

REFERENCES:

1. Title 10, United States Code (USC) (Armed Forces), 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 Army Board for Correction of Military Records (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), currently in effect, 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. 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) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The Bronze Star Medal is awarded to any person who, while serving in any capacity in or with the Armed Forces of the United States, or a friendly foreign nation, after 6 December 1941, distinguished himself or herself by heroic or 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. 10 USC 1133 limits award of the Bronze Star Medal to servicemembers receiving imminent danger pay, hostile fire pay, or hazardous duty pay and members of a friendly military force who are serving in a geographic area in which special pay is authorized under 37 USC 310 or 37 USC 351(a).

b. The Meritorious Unit Commendation (previously called the Meritorious Service Unit Plaque) is awarded to units for exceptionally meritorious conduct in the performance of outstanding services for at least 6 continuous months during the period of military operations against an armed enemy occurring on or after 1 January 1944. Effective 1 March 1961, the MUC was authorized for units and/or detachments of the Armed Forces of the United States for exceptionally meritorious conduct in performance of outstanding services for at least 6 continuous months in support of military operations. Service(s), as used in this paragraph, is interpreted to relate to combat service support type activities and not to the type of activities performed by senior headquarters, combat, or combat support units.

c. The Vietnam Service Medal was established by EO 11231, 8 July 1965, as amended by EO 13286, 2 February 2003. It is awarded to all servicemembers of the Armed Forces of the United States serving in Vietnam and its contiguous waters or

airspace there over, after 3 July 1965 through 28 March 1973. Servicemembers of the Armed Forces of the United States in Thailand, Laos, or Cambodia, or the airspace there over, during the same period and serving in direct support of operations in Vietnam are also eligible for this award. To qualify for award of the VSM an individual must be attached to or regularly serve for 1 or more days aboard a U.S. naval vessel directly supporting military operations, or Participate as a crewmember in one or more aerial flights into airspace above Vietnam and contiguous waters directly supporting military operations, or Serve on TDY for 30 consecutive days or 60 nonconsecutive days in Vietnam or contiguous areas, except that time limit may be waived for personnel participating in actual combat operations.

4. Department of the Army Pamphlet 672-3 (Unit and Campaign Participation Credit Register) shows:

a. A bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign. During his service in Vietnam, the applicant participated in the following campaigns:

- Vietnam Counteroffensive, Phase III, 1 June 1967- 29 January 1968
- TET Counteroffensive, 30 January 1968-1 April 1968
- Vietnam Counteroffensive, Phase IV, 2 April 1968-30 June 1968
- Vietnam Counteroffensive, Phase V, 1 July 1968-1 November 1968
- Vietnam Counteroffensive, Phase VI, 2 November 1968-22 February 1969

b. Table 1, 1st Administration Company reflects the unit was awarded the following:

- Meritorious Unit Commendation for the period 1 January 1967 to 30 November 1967, Department of the Army General (DAGO) 66, 1968
- Meritorious Unit Commendation (second award) for the period 1 December 1967 to 30 November 1968, DAGO 36, 1970
- Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period 12 July 1965 to 16 October 1968, DAGO 21, 1969

5. Army Regulation 670-1 (Uniforms and Insignia) governs the requirements for the Overseas Service Bar. It states a bar is authorized for wear for each period of active Federal service as a member of the U.S. Army outside of the continental limits of the United States for the specific time frames and areas of operation cited in Army Regulation 670-1 or appropriate Department of the Army message. There are special provisions regarding authorization for the Overseas Service Bar for service in a hostile fire zone and for combining service to calculate award of the bars. For Vietnam service, one overseas service bar was authorized for each period of 6 months active Federal service as a member of a U.S. Service in Vietnam from 1 July 1958 to 28 March 1973.

Both the month of arrival and the month of departure from Vietnam were counted as whole months for credit toward the overseas service bar.

6. Army Regulation 635-5 (Separation Documents) in effect at the time, states that the DD Form 214 will reflect the conditions and circumstances that existed at the time the records were created. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form be complete and accurate and reflects the conditions as they existed at the time of separation.

//NOTHING FOLLOWS//