

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 April 2025

DOCKET NUMBER: AR20240010088

APPLICANT REQUESTS:

- award of the Bronze Star Medal with V Device
- correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 6 December 1970 to add the Army Commendation Medal (2nd Oak Leaf Cluster), and if approved, the Bronze Star Medal with "V" Device

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

- Two DD Forms 149 (Application for Correction of Military Record)
- Army Commendation Medal (2nd Oak Leaf Cluster) Citation and Certificate
- DA Form 638 (Recommendation for Award)
- Narrative of the Applicant's Actions
- Former Commander's Endorsement Letter

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 DD Form 214 needs to be corrected to verify his medals and commendations.
3. The applicant provides:
  - a. Army Commendation Medal (2nd Oak Leaf Cluster) Citation and Certificate for exceptionally meritorious service in support of military operations against communist aggression in the Republic of Vietnam during the period of January 1970 to December 1970.
  - b. DA Form 638, 13 May 2019 completed by his former platoon leader recommending he be awarded the Bronze Star Medal for his action on

20 and 21 February 1970. His former platoon leader included a proposed citation, narrative the actions performed by the applicant, and noted the following achievements in attachments for justification of his request:

(1) On 20 February 1970, the applicant volunteered to be transported by dust-off helicopter to the Que Son Valley near the vicinity of Vinh Huy to render medical treatment to the Soldiers of F Troop of the 17th Cavalry. At the time, F Troop was engaged in a fierce and intense battle with a large enemy force of North Vietnamese Army regular soldiers.

(2) In the early evening of 20 February 1970, the applicant boarded a dust-off helicopter from the 236th Medical Detachment at Landing Zone Hawk Hill, and at great risk to himself attempted to reach F Troop's position near Hill 43 in the Que Son Valley. Upon reaching the scene of the battle the dust-off was prevented from landing after two attempts due to heavy machine gun, mortar, and rocket propelled grenade fire.

(3) At dawn on 21 February 1970, the applicant courageously made a second attempt to reach F Troop and boarded a dust-off helicopter headed for Hill 43 in the Que Son Valley. He arrived at the battlefield and while under enemy fire, provided medical assistance to the Soldiers of F Troop.

(4) F Troop continued to receive enemy fire during the entire day of 21 February 1970. The applicant continued to administer medical treatment to wounded Soldiers and arranged for the evacuation of Soldiers that were killed in action.

c. His former company commander's endorsement acknowledging the details provide by his former platoon leader.

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

a. He was inducted into the Army of the United States on 2 June 1969.

b. He accepted nonjudicial punishment on 4 September 1969, under the provisions of Article 15 of the Uniform Code of Military Justice (UCMJ), for absenting himself from his unit during basic training at Fort Knox, KY, from on or about 1 September 1969 until 2 September 1969.

c. He arrived in Vietnam on or about 12 January 1970. Item 38 (Record of Assignments) of his DA Form 20 (Enlisted Qualification Record) shows he was assigned to Company C, 23rd Medical Battalion, Americal Division. Item 41 shows he was awarded the M-16 marksman marksmanship qualification badge.

d. General Orders Number 2458, 14 March 1970 awarded him the Purple Heart for wounds received in connection with military operations against a hostile force on 21 February 1970.

e. Special Orders Number 155, 4 June 1970, awarded him the Combat Medical Badge.

f. General Orders Number 8035, 5 July 1970 awarded him the Army Commendation Medal, for meritorious achievement in connection with military operations against a hostile force from 1 February 1970 through 31 May 1970.

g. General Orders Number 13266, 3 October 1970 awarded him the Army Commendation Medal (1st Oak Leaf Cluster), for meritorious achievement in connection with military operations against a hostile force from 1 June 1970 through 30 September 1970.

h. He was honorably released from active duty on 6 December 1970 and transferred to the U.S. Army Reserve Control Group (Annual Training). He completed 1 year, 6 months, and 5 days of net active service during this period, including 10 months and 25 days of foreign service in Vietnam under U.S. Army Pacific. His DD Form 214 shows he was awarded or authorized the:

- Purple Heart
- Army Commendation Medal (1st Oak Leaf Cluster)
- National Defense Service Medal
- Vietnam Service Medal
- Combat Medical Badge
- Marksmanship Badge (M-14)

5. His records contain no evidence showing he was awarded the Army Good Conduct Medal. He received "Excellent" or "Unknown" conduct and efficiency ratings throughout his service. He had no convictions by a court-martial or a commander's disqualification for award of the Army Good Conduct Medal.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial 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 determined that the evidence shows the applicant received his 1st ARCOM on 5 July 1970, his 2nd ARCOM on 3 October 1970, his 3rd ARCOM on 11 December 1970 pursuant to his ARCOM Certificate.

2. The Board found that relief was not warranted for the applicant's request to be awarded the Bronze Star Medal with "V" Device. 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 determined that to be awarded the Bronze Star Medal with "V" Device, the regulatory guidance requires all elements of the award criteria to be met; there must be proof that the applicant engaged in an act of heroism as a result of enemy action. The Board did not find documentary evidence, a recommendation for, or orders that clearly or explicitly shows he met the criteria for award of the Bronze Star Medal with "V" Device. Therefore, the Board concurred that relief was not warranted for the award of the Bronze Star Medal with "V" Device.

3. The Board also noted that the applicant was authorized additional awards not currently listed on his DD Form 214, which would be administratively corrected in the "Administrative Notes" section of this document.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:      :      :      GRANT FULL RELIEF

        GRANT PARTIAL RELIEF

:      :      :      GRANT FORMAL HEARING

:      :      :      DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 6 December 1970 to show the award of the Army Commendation Medal (2<sup>nd</sup> Oak Leaf Cluster), the Army Good Conduct Medal, and the awards listed in the "Administrative Notes" section of this document.

2. The Board further determined that the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to award of the Bronze Star Medal with "V" Device.

5/5/2025

X [REDACTED]

CHAIRPERSON  
[REDACTED]

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 is authorized administrative correction of his DD Form 214 to show the following awards without Board action:

- Army Good Conduct Medal
- Three bronze service stars with his Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)

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.
  - a. The Bronze Star Medal is awarded to any service member of the Armed Forces of the United States who, while serving in any capacity after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required. The "V" device is worn to denote participation in acts of heroism involving conflict with an armed enemy.
  - b. The Army Commendation Medal is awarded to any service member of the Armed Forces of the United States who distinguishes him or herself by heroism, meritorious achievement, or meritorious service. Award of the Army Commendation Medal requires a formal recommendation, approval through the chain of command, and announcement in orders.
  - 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. One bronze service star is authorized with the Vietnam Service Medal for each campaign during which a member was assigned or attached to and present for duty with a unit during the period in which the unit participated in combat. Table K-1 shows participation credit was awarded for the following campaigns, in part:
    - Vietnam Winter-Spring 1970 – 1 November 1969-30 April 1970
    - Sanctuary Counteroffensive – 1 May 1970-30 June 1970
    - Vietnam Counteroffensive Phase VII – 1 July 1970-30 June 1971
3. Army Regulation 635-5 (Separation Documents), effective 1 February 1967, prescribed the separation documents that would be furnished each individual who was separated from the Army including Active Duty Training personnel and established standardized procedures for the preparation and distribution of these documents. All available records would be used as a basis for the preparation of the DD Form 214, including DA Form 20, DA Form 66, and orders. In item 24, enter from item 21, DA Form 66 (Officer Qualification Record), or section 9, DA Form 20 (Enlisted Qualification

Record) all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

4. 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 the 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.

5. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register), paragraph 6d, states that Department of the Army General Orders Number 8, dated 1974, announced award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Army Vietnam, and its subordinate units for the period 20 July 1965 to 28 March 1973.

//NOTHING FOLLOWS//