

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 April 2025

DOCKET NUMBER: AR20240011575

APPLICANT REQUESTS:

- correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of the Air Medal with "V" device
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Self-authored Letter
- Extract of DA Form 20 (Enlisted Qualification Record)
- Two Reference Letters, 14 July 2021
- Two-U. S. Army Human Resources Command (HRC Letters)
- Letter, issued by the Researcher Mr. MGB, 11 July 2023
- Applicant's Letter to Mr. MGB, undated
- Books – Rendezvous with Destiny, The Price They Paid, and Rogue Soldier
- Flight Records
- Clothing and Equipment Records
- Newspaper Articles
- Remembrances

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 With "V" Device for his participation in Operation Lam Son 719th as an Aero Scout in C Troop 2nd 17th Cavalry, 101st Airborne Division Airmobile. His self-authored statement offers additional

insight into the reason his Air Medal with "V" Device was crossed out on his DA Form 20.

a. The Sergeant First Class (SFC) asked if he would like to drive his jeep. He said, "no thanks," and he thought that was the end of it. Periodically, the First Sergeant (1SG) would come to the flight line and order the applicant to kitchen patrol (KP), his punishment for not driving the jeep.

b. The SFC ordered him to report to Captain (CPT) L, the Aero Scout Platoon Leader, and the applicant studied a book to complete a check out flight with CPT L. He conducted many daily missions with CPL L and was advised to take another route to his hooch to avoid the 1SG. CPT L was killed in January 1971.

c. His request for the Air Medal with "V" device is due to his involvement with operations in Laos to secure the Ho Chi Minh Trail. For one and a half months, he flew, front seat observer, in Laos to support downed pilots/crew members and the South Vietnamese Rangers and Special Forces during operation Lam Son 719. He flew three to four missions a day. His first flight was with First Lieutenant (1LT) S, and numerous other pilots. Late in February his Platoon Leader 1LT S was killed.

d. He departed Vietnam on 9 July 1971, turned in his gear, and did not pick up his records. There are books written about Operation Lam Son 719 and the units involved. He was awarded the Air Medal with "V" device and there is no record of revocation, if so, a note would have been provided on his DA Form 20.

3. The applicant provides:

a. Two reference letters that show:

- C____ R____, 14 July 2021, states they were in the same unit and flew on many dangerous missions during intensive combat
- G____ S____, 14 July 2021, provides him with point of contacts that can assist him in the matter

b. A letter issued by HRC, 2 April 2024, that shows they were unable to verify his entitlement to the Air Medal with "V" Device. They acknowledged receipt of the forwarded DA Form [20] (Personnel Qualification Record) with the Air Medal with "V" Device listed and crossed out. After review of the General Order number listed on his DA Form 2-1, the orders listed belongs to another soldier.

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

- a. On 11 July 1969, he was inducted in the Army of the U.S. and was awarded military occupational specialty 11D (U.S. Army Armor Reconnaissance Specialist)
- b. A DA Form 20 shows in part he served in Vietnam from 14 September 1970 to 9 July 1971
- c. Generals Orders Number 5501, 3 July 1971 awarded him the Bronze Star Medal for his service in Vietnam from July 1970 to May 1971
- d. On 14 July 1971 he was honorably released from active duty, his DD Form 214 shows he was awarded or authorized:
 - National Defense Service Medal
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
 - Vietnam Service Medal
 - Vietnam Campaign Medal
 - Army Good Conduct Medal

5. A review of the applicant's record confirms he is eligible for an award and campaign credits 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.

6. By regulation (AR 15-185), an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

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 and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined there is insufficient evidence to support the applicant's contentions for award of the Air Medal with V device. The Board found the applicant's record is absent the number of flying hours for determination of award for the Air Medal. Therefore, the Board denied relief.
2. This board is not an investigative body. The Board determined despite the absence of the applicant's flight records, they agreed the burden of proof rest on the applicant, however, he did not provide sufficient supporting documentation, and his service record

has insufficient evidence to support the applicant contentions for award of the Air Medal with V Device. Per the regulatory guidance on awarding the Air Medal, the applicant must provide that the individual "met the required number of missions and hours for award of the Air Medal"; that "the individual has not caused, either directly or indirectly, an aircraft abort, late take-off, accident or incident"; and that the "individual's accomplishments and service throughout the period have reflected meritorious performance, with no instance of non-professionalism, mediocrity, or failure to display an aggressive spirit."

3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

4. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

: : : GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

██████████ DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, the Board found 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.

[REDACTED]

[REDACTED]

[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):

A review of the applicant's records show he was awarded or authorized the following awards not reflected on his DD Form 214. As a result, amend his DD Form 214 to show:

- Bronze Star Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- two bronze service stars to his previously issued Vietnam Service Medal

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.

- a. 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.
- b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. U.S. Army Vietnam Regulation 672-1 (Decorations and Awards) provided, in pertinent part, guidelines for award of the Air Medal. It established that passenger personnel who did not participate in an air assault were not eligible for the award based upon sustained operations. It defined terms and provided guidelines for the award based upon the number and types of missions or hours. Twenty-five Category I missions (air assault and equally dangerous missions) and accrual of a minimum of 25 hours of flight time while engaged in Category I missions was the standard established for which sustained operations were deemed worthy of recognition by an award of the Air Medal. However, the regulation was clear that these guidelines were considered only a departure point.

- a. Combat missions were divided into three categories. A category I mission was defined as a mission performed in an assault role in which a hostile force was engaged and was characterized by delivery of ordnance against the hostile force, or delivery of friendly troops or supplies into the immediate combat operations area. A category II mission was characterized by support rendered a friendly force immediately before, during or immediately following a combat operation. A category III mission was characterized by support of friendly forces not connected with an immediate combat operation but which must have been accomplished at altitudes which made the aircraft at times vulnerable to small arms fire, or under hazardous weather or terrain conditions.
- b. To be recommended for award of the Air Medal, an individual must have completed a minimum of 25 category I missions, 50 category II missions, or 100 category III missions. Since various types of missions would have been completed in accumulating flight time toward award of an Air Medal for sustained operations, different computations would have had to be made to combine category I, II and III flight time and adjust it to a common denominator.

4. Army Regulation 600-8-22 (Military Awards) provides the Army policy for military awards. It states:

- a. 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.

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.

5. 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.

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//NOTHING FOLLOWS//