

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 July 2025

DOCKET NUMBER: AR20250006411

APPLICANT REQUESTS:

- upgrade of his awarded Bronze Star Medal with "V" Device to the Silver Star Medal
- award of the Air Medal
- a personal appearance hearing before the Board

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- Self-authored statement, 7 May 2025 with supporting documents labeled in exhibits
 - Exhibit 1 – Photograph
 - Exhibit 2 – Applicant's Commanding Officer's combat action narrative
 - Exhibit 3 – Applicant's combat action narrative
 - Exhibit 4 – Headquarters, 3d Brigade (Separate), 1st Cavalry Division (Airmobile) General Orders Number 2409, 4 December 1971
 - Exhibit 5 – The Bronze Star Medal for Heroism Certificate, 4 December 1971
 - Exhibit 6 – Applicant's Commanding Officer attestation in support of Air Medal, 15 January 2023
 - Exhibit 7 – Commanding Officer's Air Assault Log, September to February (unknown year(s) – assumed to be 1971 and 1972)
 - Exhibit 8 – Photograph
 - Exhibit 9 – Photograph
 - Exhibit 10 – Applicant's DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 26 January 1972
 - Exhibit 11 – Commanding Officer's DD Form 214 (Certificate of Release of Discharge from Active Duty) for the period ending 30 April 1988

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:
 - a. While serving in the Republic of Vietnam, he was awarded the Bronze Star Medal with "V" Device as an interim award to the Silver Star Medal by Brigadier General (BG) [REDACTED] (3d Brigade, 1st Cavalry Division Commander). However, the paperwork to upgrade the award to the Silver Star that was sent to higher headquarters was never followed up on.
 - b. In a 7 May 2025 self-authored statement, he notes the battle took place in a bunker complex in a suspected headquarters of the North Vietnamese Army and Viet-Cong from 16 November 1971 to 19 November 1971 about 45 miles from Saigon where he and his commanding officer, Captain [REDACTED] fought and saved the lives of their Soldiers. For their actions, he and his commander earned a Silver Star but never received it. A makeshift "impact" medal ceremony, BG [REDACTED] awarded the Bronze Star with "V" Device, as an interim award to the Silver Star. Additionally, he also states he should be awarded the Air Medal for more than 30 helicopter combat assaults.
3. The applicant was appointed as a Reserve commissioned officer in the U.S. Army Reserve in the Field Artillery branch in the rank/grade of second lieutenant/O-1 and executed an oath of office on 14 June 1969.
4. Headquarters, First U.S. Army Letter Orders Number [REDACTED] 20 May 1970 ordered him to active duty for a period of two years effective 20 June 1970.
5. He was promoted to first lieutenant/O-2 effective 18 June 1971.
6. A review of his official military personnel file contains the following:
 - a. Headquarters, U.S. Army Training Center, Infantry and Fort Dix, Fort Dix, NJ General Orders Number 169, 23 July 1971 awarded him the Army Commendation Medal for meritorious service from 7 October 1970 to 3 July 1971.
 - b. He was assigned to Headquarters and Headquarters Battery (HHB), 1st Battalion, 21st Artillery, 3d Brigade (Separate), 1st Cavalry Division (Airmobile), U.S. Army Pacific (USARPAC) – Republic of Vietnam from on or about 30 September 1971 to on or about 15 October 1971.

c. Headquarters, 3d Brigade (Separate), 1st Cavalry Division, APO San Francisco General Orders Number 2409, 4 December 1971 awarded him the Bronze Star Medal with "V" Device for heroism in connection with ground operations against a hostile force in the Republic of Vietnam on 18 November 1971.

d. Headquarters, 3d Brigade (Separate), 1st Cavalry Division, APO San Francisco General Orders Number 59, 10 January 1972, awarded him the Army Commendation Medal for meritorious service in the Republic of Vietnam for the period 30 October 1971 to 30 December 1971.

e. Headquarters, 3d Brigade (Separate), 1st Cavalry Division, APO San Francisco General Orders Number 471, 23 February 1972, awarded him the Army Commendation Medal with "V" Device for heroism in connection with ground operations against a hostile force in the Republic of Vietnam on 7 December 1971.

7. A review of his records do not contain orders awarding him the Bronze Star Medal for meritorious service.

8. His DA Form 66 (Officer Qualification Record) shows in:

a. item 17 (Foreign Service), he received overseas credit for service in the Republic of Vietnam from 17 August 1971 through 22 January 1972 (a period of 5 months and 6 days);

b. item 18 (Record of Assignments), he was assigned to:

- Headquarters and Headquarters Company, 2d Battalion, 5th Cavalry, 3d Brigade (Separate), 1st Cavalry Division (Airmobile) from 21 August 1971 to 29 September 1971
- HHB, 1st Battalion, 21st Artillery, 3d Brigade (Separate), 1st Cavalry Division (Airmobile), from on or about 30 September 1971 to 15 October 1971
- Battery A, 1st Battalion, 21st Artillery, 3d Brigade (Separate), 1st Cavalry Division (Airmobile), from 16 October 1971 to on or about 19 January 1972

c. item 21 (Awards and Decorations) –

- Bronze Star Medal with "V" Device
- National Defense Service Medal
- Vietnam Service Medal

d. item 23 (Qualification in Arms) –

- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)

- Marksman Marksmanship Qualification Badge with Pistol Bar (.45 cal)

9. He participated in the following campaigns during his service in Vietnam:

- Consolidation I – 1 July 1971 – 30 November 1971
- Consolidation II – 1 December 1971 – 29 March 1972

10. His records contain no orders or other evidence indicating he was recommended for or awarded the Silver Star or the Air Medal during his service in Vietnam. It further does not contain a DA Form 759 (Individual Flight Record and Flight Certificate – Army, Part I) and/or DA Form 759-1 (Individual Flight Record and Flight Certificate – Army, Part II).

11. He was honorably released from active duty on 26 January 1972 and transferred to the U.S. Army Reserve Control Group (Annual). He completed 1 year, 7 months, and 9 days of net service this period. His DD Form 214 shows in:

- item 22c (Foreign and/or Sea Service) – U.S. Army Pacific – 5 months and 6 days
- item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) –
 - Bronze Star Medal
 - National Defense Service Medal
 - Vietnam Service Medal
- item 30 (Remarks) – "Indochina: Yes, Korea: No, Vietnam: 17 August 1971 – 22 January 1972

12. He provides the additional documents in support not discussed above:

a. Exhibit 1 contains a photograph that is labeled as "Makeshift Impact Medal Ceremony." It notes the applicant and Captain [REDACTED] receiving the Bronze Star Medal with "V" Device as an interim award in lieu of the Silver Star.

b. Exhibit 2 contains the applicant's commanding officer, Captain [REDACTED] statement on the combat action that occurred between 16-19 November 1971. It outlines the actions that occurred during a firefight against enemy forces in Vietnam. It noted his and the applicant's actions which were valorous and led to being awarded an interim award of the Bronze Star Medal with "V" Device pending the award of the Silver Star (see statement for additional details).

c. Exhibit 3 contains the applicant's statement on the combat action that occurred between 16-19 November 1971 in Vietnam. It outlines the actions that occurred during a firefight against enemy forces in Vietnam. He was an artillery officer and was assigned as a Forward Observer with an infantry company (D Company, 2d Battalion, 5th Infantry Regiment, 1st Cavalry Division (Captain [REDACTED] company). It noted his and Captain [REDACTED] actions during the firefight (see statement for additional details).

d. Exhibit 5 contains his Bronze Star Medal Certificate for heroism in ground combat on 18 November 1971 in the Republic of Vietnam.

e. Exhibit 6 contains a 15 January 2023 attestation letter from Captain [REDACTED] supporting the applicant's request for award of the Air Medal. He noted in part (see statement for additional details):

I am writing on behalf of (Applicant) to correct an oversight that failed to award him an Air Medal despite having participated in numerous combat assaults by helicopter as well as other dangerous helicopter operations while being detailed to Delta Company, 2/5 Cavalry Battalion of the 1st Brigade (Separate) of the 1st Cavalry Division in Vietnam from August 1971 to February 1972 as a Combat forward Observer.

f. Exhibit 7 contains a logbook titled "Commanding Officer Captain [REDACTED] Air Assault Partial Log of Combat Assault Grid Locations in the jungle." It listed dates, hours, locations, and type of helicopter of missions. (Note: It does not list the applicant's name).

g. Exhibit 8 contains a photograph labeled as "(Applicant) as President of the New Jersey Vietnam Veterans Memorial Foundation with General [REDACTED]"

h. Exhibit 9 contains a photograph that shows Soldiers crossing a river with a raft. (Note: It notes the applicant is one of the Soldiers.)

i. Exhibit 11 contains the DD Form 214 for the period ending 30 April 1988 of Captain [REDACTED] Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) does not list the Silver Star Medal.

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 evidence of record shows the applicant served on active duty between

18 June 1970 and 26 January 1972. He served in Vietnam 17 August 1971 to 22 January 1972. The applicant requested an upgrade of his Bronze Star Medal with "V" Device to a Silver Star and award of the Air Medal.

2. The Board recognizes and appreciates the applicant's honorable service and acts of valor during combat operations in the Republic of Vietnam. However, after careful examination of the evidence presented, the following findings are noted:

a. The applicant has not provided official documentation indicating that a Silver Star recommendation was initiated, endorsed, or approved by the appropriate military authorities. In the absence of such supporting evidence, the Board cannot validate the claim that a Silver Star award was pending or ever formally recommended.

b. The record clearly shows that the Bronze Star Medal with "V" Device was awarded through the standard review and approval channels. There is no indication that the award was temporary, provisional, or subject to upgrade. The Bronze Star Medal with "V" Device is itself a significant recognition of valor in combat.

c. More than five decades have passed since the award action occurred. While the passage of time alone does not bar consideration, it does present significant limitations on the ability to verify claims, obtain witness statements, or locate lost recommendations

3. In light of the absence of substantiating documentation and adherence to established military award protocols, the Board concluded there is no basis to grant the requested upgrade. The applicant's courageous actions are already appropriately recognized by the Bronze Star Medal with "V" Device.

4. As it relates to the applicant's request to be awarded the Air Medal, the Board determined there is no evidence of an error or injustice. The record is void and the applicant does not provide a copy of his flight record to determine the number of hours flown or type of mission. Therefore, the Board denied relief for this portion of the applicant's request.

5. Prior to closing the discussion, the Board reviewed and concurred with the administrative note below.

6. 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:

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.

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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 show he is authorized administrative correction of his DD Form 214 for the period ending 26 January 1972 without Board action to show the following awards:

- adding the "V" Device to his already awarded Bronze Star Medal
- Army Commendation Medal (First Oak Leaf Cluster) with "V" Device
- two bronze service stars to his already awarded Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Marksman Marksmanship Qualification Badge with Pistol Bar (.45 cal)

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 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record; it is not an investigative body. 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. The ABCMR may, in its discretion, hold a hearing (sometimes referred to as an evidentiary hearing or an administrative hearing) or request additional evidence or opinions. 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. Army Regulation 600-8-22 (Military Awards) prescribes policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The Silver Star is awarded to a person who, while serving in any capacity with the U.S. Army, is cited for gallantry in action against an enemy of the United States while engaged in military operations involving conflict with an opposing foreign force, or while serving with friendly foreign forces engaged in armed conflict against an opposing armed force in which the United States is not a belligerent party. The required gallantry, while of a lesser degree than that required for the Distinguished Service Cross, must nevertheless have been performed with marked distinction. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

b. 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.

(1) Numerals, starting with 2, will be used to denote second and subsequent awards of the Air Medal.

(2) All Air Medal recommendations that are downgraded will be approved as an Army Commendation Medal.

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. 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 it participated in combat. Campaign participation credit was awarded for the following relevant campaigns:

- Consolidation I – 1 July 1971 – 30 November 1971
- Consolidation II – 1 December 1971 – 29 March 1972

4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the awards received by units serving in Vietnam. This pamphlet shows the units to which the applicant was assigned was awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation in Department of the Army General Orders Number 54, 1971.

5. Army Regulation 95-1 (Flight Regulation) provided guidance for aircraft operations, crew requirements, and flight rules. The regulation specifies that each crew member must present his or her individual flight records to the unit of assignment. The flying experience and qualification data for each rated crew member and flight surgeon in aviation service and each non-rated crew member will be documented on several forms among which are the DA Form 759 and the DA Form 759-1. The "Mission Symbol" column on the DA Form 759-1 lists a single character to identify the type of mission performed. During the Vietnam War, the following mission symbols were used:

Mission Symbol	Service Missions
A	Acceptance Test Flight
F	Maintenance Flight
S	Service Mission
T	Training Flight
X	Experimental Test Flight
C	Combat Mission

6. U.S. Army Vietnam Regulation 672-1 (Decorations and Awards) provided guidelines for award of the Air Medal. It stated 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 times and adjust it to a common denominator.

7. Title 10, U.S. Code, section 1130, provides the legal authority for consideration of proposals for decorations not previously submitted in a timely fashion. Upon the request of a Member of Congress, the Secretary concerned shall review a proposal for the award of or upgrading of a decoration. Based upon such review, the Secretary shall determine the merits of approving the award.

8. The request, along with a DA Form 638 (Recommendation for Award), must be submitted through a Member of Congress to: Commander, U.S. Army Human Resources Command, Attention: AHRC-PDP-A, 1600 Spearhead Division Avenue, Fort Knox, KY 40122. The unit must be clearly identified, along with the period of assignment and the recommended award. A narrative of the actions or period for which recognition is being requested must accompany the DA Form 638. Requests should be supported by sworn affidavits, eyewitness statements, certificates, and related documents. Supporting evidence is best provided by commanders, leaders, and fellow Soldiers who had personal knowledge of the facts relative to the request. The burden and costs for researching and assembling supporting documentation rest with the applicant.

//NOTHING FOLLOWS//