

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 July 2025

DOCKET NUMBER: AR20250006433

APPLICANT REQUESTS:

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

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

- Applicant Request in lieu of DD Form 149 (Application for Correction of Military Record), 6 June 2025
- Exhibit 1 – Photograph
- Exhibit 2 – Applicant's combat action narrative
- Exhibit 3 – Lieutenant (LT) [REDACTED] 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, LT D [REDACTED] 4 December 1971
- Exhibit 6 – Applicant's Commanding Officer attestation in support of Air Medal, 15 January 2023
- Exhibit 7 – Applicant's Air Assault Log, September to February (unknown year(s) – assumed to be 1971 and 1972)
- Exhibit 8 – Photograph
- Exhibit 9 – Photograph
- Exhibit 10 – LT [REDACTED] DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 26 January 1972
- Exhibit 11 – Applicant'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. This application comes before the Board in conjunction with a second separate application for another Soldier with the same request, involving the same battle in which both Soldiers participated jointly in the same combat operation. The evidence provided with the application is the same in both cases. The applicant states:

a. He was the commanding officer of Bravo Company. He and a second Soldier, an officer commanding 2nd Platoon, were awarded an impact Bronze Star Medal for Valor in late November 1971 and were pending an award of the Silver Star. Paperwork was submitted to Vietnam Headquarters and the Department of Defense sent out press releases to his hometown newspapers noting he was receiving the Silver Star.

b. The Silver Stars were not awarded, and he assumed the paperwork was lost during the chaos resulting from the rapid withdrawal of Army personnel.

3. The applicant provides 11 exhibits showing:

a. An undated photo with a caption which reads, in part, "Impact" Medal Ceremony in the jungle 45 miles Northeast of Saigon. Brigadier General [REDACTED] awards the BSM with V Device as an interim award to the Silver Star. Neither the applicant nor the second Soldier received the Silver Star.

b. A situation narrative, noting the actions taken by the applicant from 16 to 19 November 1971. The applicant was the Company Commander, Delta Company, 5th Battalion, when his unit became engaged in a fierce firefight with the soldiers of the North Vietnam Army (NVA) Soldiers of a much larger and fortified placement. The applicant's situational narrative of the battle during this timeframe notes, in part:

- Delta Company was inserted by helicopter during night operations into a narrow landing zone on a giant rock and maneuvered down to reinforce Alpha Company
- after intense artillery preparation, Delta Company proceeded simultaneously at 9:00am with Alpha Company in parallel groups in thick jungle and began to pick up signs of NVA in a heavily bunkered area and then automatic weapons and rocket propelled grenades erupted all around them
- NVA tried to charge their position from the flank but the NVA Soldier leading the charge was killed and the flanking attempt was stopped
- there was one friendly Soldier killed in action and multiple wounded needing helicopter evacuation, but the NVA kept up fire on the landing zone and both companies were in a weak position to defend against a strong attack
- there was no ability to reinforce the two companies on the ground because there was not a landing zone in the immediate area

- there was not suitable terrain to provide a defensive position, they were low on ammunition, and they repeatedly had to regroup to redistribute ammunition
- they were forced to fight to be able to evacuate their casualties
- the battle was a near-miss for a catastrophic end to the Vietnam War during which their battle was of the last

c. General Order Number 2406, dated 4 December 1971, and Bronze Star Medal Certificate, awarding the applicant the Bronze Star Medal with "V" for a date of action of 18 November 1971.

d. A letter from the applicant on behalf of another Soldier who fought with him and was awarded the Bronze Star Medal with "V" and accompanied him on all of his missions.

e. An extract of pages 2 through 4 of the applicant's combat logbook showing his handwritten notes of combat missions of Delta Company, indicating the dates and grid locations of enemy combat incidents. These are dated between 29 September and 8 February with the years omitted.

f. An undated photograph of the applicant, then retired, at the Vietnam War Memorial with Lieutenant General [REDACTED]

g. An undated photograph taken from the front page of Stars and Stripes of five Soldiers using a makeshift floating device to move equipment during a river crossing.

h. A copy of the applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty).

i. A copy of the second Soldier's DD Form 214, who is also an applicant for the Silver Star.

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

a. On 9 June 1965, he was appointed a commissioned officer in the Regular Army Infantry Corps, and he executed an oath of office.

b. He served in Korea from 1965 to 1967 (13 months).

c. He was deployed to Vietnam from 30 March 1968 to 22 March 1969 and from 31 August 1971 to 3 April 1972.

d. General Orders Number 1253, dated 21 March 1969, awarded him the Bronze Star Medal for meritorious service from March 1968 to March 1969.

e. U.S. Military Assistance Command, Vietnam issued General Orders:

- Number 2406, dated 4 December 1971, awarding him the Bronze Star Medal with "V" Device for heroism with a date of action of 18 November 1971
- Number 910, dated 8 May 1971, awarding him the Bronze Star Medal with "V" Device for heroism with a date of action of 18 November 1971

f. General Orders Number 557, dated 29 February 1972, awarded him the Bronze Star Medal for meritorious service from August 1971 to March 1972.

g. On 30 April 1988, he was honorably retired. His DD Form 214 reflects he was awarded, in part, the Bronze Star Medal with two oak leaf clusters (one for Valor).

h. His records are void of general orders awarding him the Silver Star.

5. A review of a compilation of awards for the Silver Star for the Vietnam War, extracted from the general orders of the Department of the Army for the years 1964 to 1992, does not list the applicant's name among those awarded the Silver Star during that period.

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 9 June 1965 and 30 April 1988. He served two tours in Vietnam from on or about 30 March 1968 to on or about 22 March 1969 and 31 August 1971 to on or about 3 April 1972. The applicant requested an upgrade of his Bronze Star Medal with "V" Device to a Silver Star. The Board noted the applicant was awarded the Republic of Vietnam Gallantry Cross with Silver Star which could be a source of confusion. The Board further noted the applicant's contention the Bronze Star Medal with "V" Device was awarded as an "impact award" pending further action to approve the Silver Star.

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. 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.

X	
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. 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 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.

(1) Awards may be made for acts of heroism, which are of lesser degree than required for the award of the Silver Star.

(2) When the Bronze Star Medal is awarded for heroism, a bronze letter "V" (for valor) is worn on the suspension and service ribbon of that medal.

(3) The Bronze Star Medal may be awarded for meritorious achievement or meritorious service to recognize single acts of merit or meritorious service.

c. 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.

4. 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. 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//