



**DEPARTMENT OF THE ARMY**  
**BOARD FOR CORRECTION OF MILITARY RECORDS**  
**1901 SOUTH BELL STREET 2ND FLOOR**  
**ARLINGTON, VA 22202-4508**

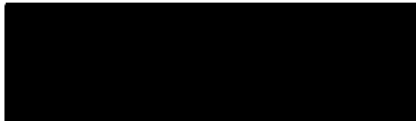
**RECORD OF PROCEEDINGS**

IN THE CASE OF:



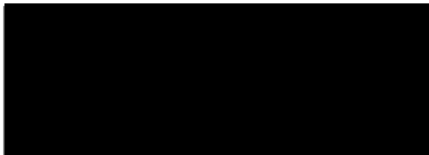
BOARD DATE: 03 April 2008  
DOCKET NUMBER: AR20070017316

I certify that hereinafter is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in the case of the above-named individual.



Director  
Analyst

The following members, a quorum, were present:



Chairperson  
Member  
Member

The Board considered the following evidence:

Exhibit A - Application for correction of military records.

Exhibit B - Military Personnel Records (including advisory opinion, if any).

THE APPLICANT'S REQUEST, STATEMENT, AND EVIDENCE:

1. The applicant requests, in effect, award of the Purple Heart, Combat Infantryman Badge, and unit awards.
2. The applicant states, in effect, the first few months that he served in Vietnam he was assigned to the 2nd Battalion, 22nd Infantry Regiment, 25th Infantry Division. He also states that while traveling on an Armored Personnel Carrier (APC), the vehicle hit a land mine, he was blown into the air, and sustained a perforated eardrum. The applicant adds that when he put drops in his ear they came out blood red and states that the doctor directed that he spend 30 days in the rear.
3. The applicant provides a self-authored statement, undated; DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), with an effective date of 23 August 1971; extract (pages 2 and 3) of a DA Form 20 (Enlisted Qualification Record); Combat Infantryman Badge Certificate, dated 29 June 1971; 6 pages containing copies of 18 "Free Air Mail" envelopes, undated; and 18 pages of letters, undated.

CONSIDERATION OF EVIDENCE:

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 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. While it appears the applicant did not file within the time frame provided in the statute of limitations, the ABCMR has elected to conduct a substantive review of this case and, only to the extent relief, if any, is granted, has determined it is in the interest of justice to excuse the applicant's failure to timely file. In all other respects, there are insufficient bases to waive the statute of limitations for timely filing.
2. The applicant's military service records show that he was inducted into the U.S. Army for a period of 2 years on 19 January 1970. Upon completion of basic combat training and advanced individual training, he was awarded military occupational specialty (MOS) 11B (Light Weapons Infantryman).
3. The applicant's DA Form 20 (Enlisted Qualification Record), Item 31 (Foreign Service), shows that he served in the Republic of Vietnam (RVN) from 10 August 1970 through 23 August 1971. Item 39 (Campaigns) of this document shows

that he participated in a campaign not (then) designated. Item 38 (Record of Assignments) of the DA Form 20 shows, in pertinent part, that he was assigned to Company A, 2nd Battalion, 22nd Infantry, 25th Infantry Division in Vietnam from 19 August 1970 through 22 November 1970, with principal duty as a rifleman in Duty MOS 11B1O. On 23 November 1970, the applicant was reassigned to the 101st Adjutant General Detachment, 101st Airborne Division (Vietnam). On 29 November 1970, he was assigned to Headquarters and Headquarters Company, 1st Battalion (Airmobile), 327th Infantry (Vietnam), with principal duty as a rifleman in Duty MOS 11B2O. He returned to the continental United States on 19 August 1971.

4. There are no orders in the applicant's military service records which show that he was awarded the Purple Heart. There also is no evidence in his records that shows he was wounded or treated for wounds as a result of hostile action. His DA Form 20 does not show an entry in Item 40 (Wounds) or list the Purple Heart in Item 41 (Awards and Decorations). In addition, the applicant's name is not listed on The Adjutant General Office, Casualty Division's Vietnam Casualty Roster.

5. There are no orders in the applicant's military service records which show that he was awarded the Combat Infantryman Badge and his DA Form 20 does not list the Combat Infantryman Badge in Item 41 (Awards and Decorations).

6. A search of the U.S. Army Human Resources Command (USA HRC), Awards and Decorations Computer Assistance Retrieval System (ADCARS), produced a copy of Headquarters, 101st Airborne Division (Airmobile) (Vietnam), General Orders Number 8616, dated 18 August 1971, that show the applicant was awarded the Air Medal for meritorious achievement while participating in aerial flight during the period 24 August 1970 to 13 June 1971.

7. The applicant's DD Form 214, issued at the time of his separation, shows in Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) that he was awarded the Soldier's Medal, National Defense Service Medal, Vietnam Service Medal, Republic of Vietnam Campaign Medal, and Sharpshooter Marksmanship Qualification Badge with (M-16) Rifle Bar. This document also shows the applicant was honorably released from active duty 23 August 1971 after completing 1 year, 7 months, and 5 days net service this period.

8. The applicant's military service records contain an NGB Form 22 (National Guard Bureau, Report of Separation and Record of Service) that shows he enlisted in the Army National Guard of Oklahoma for a period of 1 year, on

19 January 1974, and served in MOS 36C (Wireman). Item 24 (Decorations, Citations, Medals, Badges, Commendations, and Campaign Ribbons Awarded or Authorized (This period of service)) contains the entry "NONE." This document also shows that the applicant was honorably discharged on 18 January 1975.

9. A review of the applicant's military service records reveals that he may be entitled to additional awards that are not shown on his DD Form 214.

10. There is no evidence the applicant received the first award of the Good Conduct Medal. There also is no evidence the applicant was disqualified by his chain of command from receiving the Good Conduct Medal. His records do not contain any adverse information and he received conduct and efficiency ratings of "excellent" throughout the period of his active duty service.

11. Appendix B of Army Regulation 600-8-22 (Military Awards) lists the campaigns for Vietnam. This document shows that the applicant participated in the following campaigns: Vietnam Counteroffensive Phase VII and Consolidation I campaigns.

12. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the unit awards received by units serving in Vietnam. This document shows that at the time of the applicant's assignment to Company A, 2nd Battalion, 22nd Infantry, 25th Infantry Division (Vietnam), the unit was cited for award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation by Headquarters, Department of the Army, General Orders Number 5 (1973).

13. The applicant's military service records contain a copy of Headquarters, U.S. Army Training Center, Infantry and Fort Polk, Fort Polk, Louisiana, Special Orders Number 71, dated 14 March 1970, that show, in pertinent part, the applicant qualified sharpshooter with the M-16 rifle and was awarded the Sharpshooter Marksmanship Qualification Badge with Rifle Bar.

14. The applicant's military service records contain a copy of Headquarters, U.S. Army Training Center, Infantry and Fort Polk, Fort Polk, Louisiana, Special Orders Number 124, dated 6 May 1970, that show, in pertinent part, the applicant qualified sharpshooter with the .45 caliber pistol and was awarded the Sharpshooter Marksmanship Qualification Badge with Pistol Bar.

15. In support of his application, the applicant provides the following documents:

a. DD Form 214, with an effective date of 23 August 1971, and extract (pages 2 and 3) of his DA Form 20. Both of these documents were previously introduced and considered in this Record of Proceedings;

b. Combat Infantryman Badge Certificate, dated 29 June 1971, that states, "[t]he 1st Battalion (Airborne), 327th Infantry, in recognition of your outstanding performance of duty as a combat infantryman serving in the Republic of South Vietnam against an active hostile ground force, takes great pleasure in awarding Specialist Forth (sic) [REDACTED], [REDACTED] the Combat Infantryman Badge." This document also shows that it was signed by Captain [REDACTED] Commanding Officer; and

c. Copies of 6 pages of 18 "Free Air Mail" envelopes (undated) and 18 pages of letters (undated) that, in pertinent part, document the applicant's experiences in the RVN. One particular letter contains the entry "[o]n our way in yesterday my track 3/3 (Sweet Pea) hit a mine. it was a small one and only smashed two road wheels and knocked (sic) a chunk off of the track. it was on my side though. I'm supposed to receive (sic) a 30 day profile (stay in the rear for 30 days) because I've got a small hole in my eardrum. it hurts a little and I can't hear to (sic) good out of it. (My right ear)."

16. Army Regulation 600-8-22 provides, in pertinent part, that the Purple Heart is awarded for a wound sustained while in action against an enemy or as a result of hostile action. Substantiating evidence must be provided to verify that the wound was the result of hostile action, the wound must have required treatment, and the medical treatment must have been made a matter of official record.

17. Army Regulation 600-8-22, paragraph 8-6, provides for award of the Combat Infantryman Badge. That paragraph states, in pertinent part, there are basically 3 requirements for award of the Combat Infantryman Badge. The Soldier must be an infantryman satisfactorily performing infantry duties, he must be assigned or attached to an infantry unit of brigade, regimental or smaller size during such time as the unit is engaged in active ground combat, and he must actively participate in such ground combat.

18. U.S. Army Vietnam Regulation Number 672-1 (Awards and Decorations) specifically governed award of the Combat Infantryman Badge to Army forces operating in South Vietnam. This regulation established the criteria for award of the Combat Infantryman Badge as the man who trained, lived, and fought as an infantryman. It stated that the Combat Infantryman Badge is the unique award established to recognize the infantryman and only the infantryman for his service and further added, "the Combat Infantryman Badge is not an award for being

shot at or for undergoing the hazards of day-to-day combat.” This regulation also stated the Combat Infantryman Badge was authorized for award to infantry officers and to enlisted Soldiers who have an infantry MOS and required that they must have served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or smaller size. Award of the Combat Infantryman Badge during the Vietnam-era was announced in unit special orders, normally published at battalion or brigade level. In addition, in similar cases regarding enlisted Soldiers, the Military Awards Branch, U.S. Army Human Resources Command, has advised that during the Vietnam-era the Combat Infantryman Badge was awarded only to enlisted Soldiers who held and served in MOS 11B, 11C, 11F, 11G, or 11H.

19. Army Regulation 600-8-22 provides, in pertinent part, that 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.

20. Army Regulation 600-8-22 provides, in pertinent part, that the Good Conduct Medal is awarded to individuals who distinguish themselves by their exemplary conduct, efficiency, and fidelity during a qualifying period of active duty enlisted service. After 27 June 1950 to the present time, the current standard for award of the Good Conduct Medal is 3 years of qualifying service, but as little as 1 year is required for the first award in those cases when the period of service ends with the termination of Federal military service. Although there is no automatic entitlement to the Good Conduct Medal, disqualification must be justified.

21. Army Regulation 600-8-22 provides, in pertinent part, for award of the Vietnam Service Medal. This medal is awarded to all 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.

22. Army Regulation 600-8-22 provides, in pertinent part, for award of a bronze service star, based on qualifying service, for each campaign listed in Appendix B of this regulation and states that authorized bronze service stars will be worn on the appropriate campaign or service medal, which includes the Vietnam Service Medal.

23. U.S. Army Vietnam Regulation Number 672-2 (Foreign Awards and Decorations) provided for the processing of foreign awards and decorations presented to individuals and units. It states, in pertinent part, that the Republic of Vietnam Gallantry Cross Unit Citation was awarded in four degrees: with Palm, with Gold Star, with Silver Star, and with Bronze Star.

24. Army Regulation 670-1 (Wear and Appearance of Army Uniforms and Insignia), in pertinent part, states that unit awards are authorized for permanent wear by an individual who was assigned and present for duty with the unit at any time during the period cited or was attached by competent orders to and present for duty with the unit during the entire period or for at least 30 consecutive days of the period cited.

25. Army Regulation 600-8-22, in pertinent part, sets forth the requirements for award of basic marksmanship qualification badges to U.S. military and civilian personnel. The basic marksmanship qualification badge is awarded to indicate the degree in which an individual has qualified in a prescribed record course and an appropriate component bar is furnished to denote each weapon with which the individual has qualified. The qualification badges are in 3 classes: Expert, Sharpshooter, and Marksman.

26. Army Regulation 670-1, in effect at the time, governs the requirements for the Overseas Service Bar. In pertinent part, it provides that 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. For Vietnam service, 1 Overseas Service Bar is 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 are counted as whole months for credit toward the Overseas Service Bar.

#### DISCUSSION AND CONCLUSIONS:

1. The applicant contends, in effect, that he is entitled to award of the Purple Heart because he sustained a perforated eardrum when the APC that he was traveling on hit a land mine. He also contends that his records should be corrected to show award of the Combat Infantryman Badge and his unit awards.

2. The sincerity of the applicant's comments in the letters that he submits in support of his application for award of the Purple Heart is not in question. However, this documentation, in and of itself, provides insufficient evidence to support his claim.

3. There is no evidence in the applicant's military service records that shows he was awarded the Purple Heart. There also is no medical evidence in his records that shows he was wounded or treated for wounds as a result of hostile action. In addition, the applicant's name is not listed on the Headquarters, Department of the Army, The Adjutant General Office, Casualty Division's Vietnam Casualty Roster. In view of the foregoing, the applicant provides insufficient documentary evidence to support his claim for award of the Purple Heart. Therefore, the applicant is not entitled to award of the Purple Heart in this case.

4. There are no unit orders that show the applicant was awarded the Combat Infantryman Badge. However, the evidence of record shows that while serving in Vietnam during the period under review, the applicant was an infantryman, performing infantry duties, and assigned to an infantry company. Moreover, the evidence of record shows that the applicant was recognized by his unit commander for his outstanding performance of duty as a combat infantryman against an active hostile ground force while serving with the 1st Battalion (Airborne), 327th Infantry Regiment in the Republic of South Vietnam. Thus, the available evidence supports award of the Combat Infantryman Badge in this case. Therefore, the applicant is entitled to correction of his records to show award of the Combat Infantryman Badge.

5. General Orders awarded the applicant the Air Medal for meritorious achievement while participating in aerial flight. Therefore, he is entitled to correction of his records to show this award.

6. The evidence of record shows that the applicant is entitled to the first award of the Good Conduct Medal for the period 19 January 1970 through 23 August 1971 based on completion of a qualifying period of active military service. Therefore, he is entitled to correction of his records to show this award.

7. Records show the applicant served in 2 campaigns in Vietnam. Therefore, he is entitled to correction of his records to show award of 2 bronze service stars to be affixed to his Vietnam Service Medal.

8. General Orders awarded the applicant's unit the Republic of Vietnam Gallantry Cross with Palm Unit Citation. Therefore, it would be appropriate to correct his records to show this foreign unit award.

9. Special Orders awarded the applicant the Sharpshooter Marksmanship Qualification Badge with Rifle and Pistol Bars. Therefore, it would be appropriate to correct his records to show this badge with the corresponding bars.

10. Records show that the applicant served a total of 12 months in Vietnam. Therefore, he is entitled to correction of his records to show award of 2 Overseas Service Bars.

BOARD VOTE:

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|--|----------------------|
|  | GRANT FULL RELIEF    |
|  | GRANT PARTIAL RELIEF |
|  | GRANT FORMAL HEARING |
|  | DENY APPLICATION     |

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined that the evidence presented was sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- a. awarding the applicant the Combat Infantryman Badge for outstanding performance of duty as a combat infantryman against an active hostile ground force while serving with the 1st Battalion (Airborne), 327th Infantry Regiment in the Republic of Vietnam during the period 29 November 1970 to 29 June 1971;
- b. awarding the applicant the Good Conduct Medal for exemplary conduct, efficiency, and fidelity during the period 19 January 1970 to 23 August 1971;
- c. deleting the "VSM" and "SPS M-16" from Item 24 of his DD Form 214; and
- d. adding to Item 24 of his DD Form 214 the "Air Medal, Good Conduct Medal, Vietnam Service Medal with 2 bronze service stars, Combat Infantryman Badge, Republic of Vietnam Gallantry Cross with Palm Unit Citation, Sharpshooter Marksmanship Qualification Badge with Rifle and Pistol Bars, and 2 Overseas Service Bars."

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 the Purple Heart.

