

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 July 2023

DOCKET NUMBER: AR20220012109

APPLICANT REQUESTS: correction to his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 11 September 1968 to show he was awarded the Combat Infantryman Badge (CIB).

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 for the period ending 11 September 1968

FACTS:

1. The applicant did not file within the three-year time frame provided in Title 10, United States 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 should have been awarded the CIB based on his actions in Vietnam. He was an 11B (Light Weapons Infantryman) and was wounded in combat by enemy forces and was awarded the Purple Heart. He was subsequently medically retired as a result of his injuries with a disability rating of 100 percent (%). This award is long overdue and he is in failing health.

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

a. On 11 August 1967, he was inducted into the Army of the United States and received his military occupational specialty (MOS) as an 11B (Light Weapons Infantryman).

b. His DA Form 20 (Enlisted Qualification Record) shows in:

- Item 22 (Military Occupational Specialties (MOS)): his primary MOS as 11B (Light Weapons Infantryman)
- Item 31 (Foreign Service): served in U.S. Army Pacific (USARPAC) Vietnam from 24 March 1968 to 23 November (year illegible)

- Item 38 (Record of Assignments): shows he received all “excellent”, “blank” or “not rated” marks ratings for conduct and efficiency for his period of service
- Item 38: he was assigned to Vietnam from 1 April 1968 to 5 May 1968 with Company A, 1st Battalion, 26th Infantry Division
- Item 40 (Wounds): wounds are listed but illegible
- Item 41 (Awards and Decorations): does not reflect the awards for the CIB

b. DD Form 214 shows he was permanently retired by reason of physical disability on 11 September 1968. He completed 1 year, 1 month, and 1 day of net service this period with one month and 24 days of foreign service in USARPAC. It also shows in:

- Item 12 (Last Duty Assignment and Major Command): Company A, 1st Battalion, 26th Infantry, 1st Infantry Division
- Item 23a (Specialty Number and Title): 11B20 (Light Weapons Infantryman)
- Item 24 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized): does not reflect the award of the CIB

c. There is no evidence in the record and the applicant provides none (such as orders) that shows he was awarded the CIB. In addition, his record does not contain any derogatory information.

4. The applicant is entitled to an additional award not previously listed on his DD Form 214.

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board found that relief was warranted. Based on the documentation available for review, specifically showing that he held the military occupational specialty (MOS) 11b (Infantry) and in reviewing awards received and the circumstances under which the applicant received those awards, the Board concluded that the applicant met the requirements for the award of the Combat Infantry Badge and a correction to his record is warranted.

2. In addition to the correction above, the Board noticed that the applicant qualified for an additional correction not otherwise requested. The Board found that the applicant received "excellent" conduct and efficiency ratings throughout his service and, in the absence of evidence that would otherwise make him ineligible, agreed his record should be corrected show the award of the Army Good Conduct Medal.

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.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for 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 DD214 for the period ending 11 September 1968 to show the following awards:

- Combat Infantry Badge
- Army Good Conduct Medal



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 NOTES:

A review of the applicant's records shows he is authorized additional awards not listed on his DD Form 214. As a result, amend his DD Form 214 by adding the Republic of Vietnam (RVN) Gallantry Cross with Palm Unit Citation.

REFERENCES:

1. Title 10, United States 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 Army Board for Correction of Military Records (ABCMR) determines it would be in the interest of justice to do so.
2. Army Regulation 600-8-22 (Military Awards) states there are basically three requirements for award of the CIB. The Soldier must be an infantryman satisfactorily performing infantry duties, he must be assigned to an infantry unit during such time as the unit is engaged in active ground combat, and he must actively participate in such ground combat. Specific requirements state that an Army enlisted Soldier must have an infantry or special forces specialty and must have satisfactorily performed duty while assigned or attached as a member of an infantry, ranger, or special forces unit of brigade, regimental, or smaller size during any period such unit was engaged in active ground combat.
3. 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.
4. Army Regulation 672-5-1 (Awards), in effect at the time, states 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 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. There must have been no convictions by a court-martial. However, there was no right or entitlement to the medal until the immediate commander made a positive recommendation for its award and until the awarding authority announced the award in general orders.

//NOTHING FOLLOWS//