

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 1 December 2023

DOCKET NUMBER: AR20230002568

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the U.S. Report of Transfer or Discharge) to show award of the Combat Infantryman Badge.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record), 2 February 2023

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 that his Combat Infantryman Badge was omitted from his DD Form 214 (Armed Forces of the U.S. Report of Transfer or Discharge). While in Vietnam he was placed in Infantrymen units and assigned to positions as a perimeter guard, ground support, and long-range reconnaissance patrol. He had numerous engagements with the enemy as well as firefights. He was exposed to burn pits, napalm, agent orange and other environmental surroundings. His military occupational specialty (MOS) 76U (Communications Electronics Repair Parts Specialist) was never fulfilled. He has a 70% disability rating with post-traumatic stress disorder (PTSD). He has also been dealing with irritable bowel syndrome due to the exposures and his invisible wounds. (See full statement).

3. The applicant's records contain sufficient evidence to support additional awards not shown on his DD Form 214. His DD Form 214 will be administratively corrected without Board action to show award of the following:
 - Republic of Vietnam Gallantry Cross with Palm Unit Citation
 - Meritorious Unit Commendation
 - Republic of Vietnam Civil Actions Honor Medal First Class
 - Expert Marksmanship Qualification Badge with Hand Grenade Bar

4. The Board will consider the applicants request for the Combat Infantryman Badge, and as a separate item the Army Good Conduct Medal.

5. On 1 April 1971, the applicant enlisted in the Regular Army. He completed training and he was awarded the MOS 76U.

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

a. item 31 (Foreign Service) – service in Vietnam from 14 September 1971 to 23 April 1972.

b. item 38 (Record of Assignments) shows –

(1) he received "excellent" conduct and efficiency ratings

(2) while in Vietnam, he was assigned to:

- 614th Maintenance Company, from 20 September 1971 to 25 November 1971, as a Communications Electronics Repair Parts Specialist
- 608th Transportation Company, from 26 November 1971 to 22 April 1972, as a Communications Electronics Repair Parts Specialist

c. item 29 (Qualification in Arms) and 41 (Awards and Decorations) –

- National Defense Service Medal (2nd Award)
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- one overseas Bar
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- Expert Marksmanship Qualification Badge with Hand Grenade Bar

7. On 14 December 1973, he was honorably released from active duty. His DD Form 214 shows he completed 2 years, 8 months and 14 days of net service and was awarded or authorized:

- National Defense Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Vietnam Service Medal with three bronze service stars
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- one overseas service bar

8. His record is void of evidence that he served in MOS 11B (Infantryman) or that he received orders awarding him the Combat Infantryman Badge.

9. His records are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal for the period 1 April 1971 through 14 December 1973.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that a portion of relief was warranted. The Board carefully considered the applicant's contentions, the military record, and applicable regulatory guidance. Documentation available for review does not reveal evidence that the applicant served in MOS 11B or that he was awarded the Combat Infantry Badge. As the applicant has the burden of proving an error or injustice, there is no basis upon which to grant the request.

2. Upon further review, the Board found sufficient evidence to grant an award not otherwise requested. As the applicant's record reflects all "excellent," conduct and efficiency ratings, in accordance with applicable regulatory guidance, the applicant is eligible for the Army Good Conduct Medal and a correction to his record is warranted.

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:

1. The Board determined the evidence presented is 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 amending his DD214 to show in block 23 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):

- Army Good Conduct Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Meritorious Unit Commendation
- Republic of Vietnam Civil Actions Honor Medal First Class
- Expert Marksmanship Qualification Badge with Hand Grenade Bar

2. The Board further determined 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 award of the Combat Action Badge.

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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 listed on his DD Form 214:

- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Meritorious Unit Commendation
- Republic of Vietnam Civil Actions Honor Medal First Class
- Expert Marksmanship Qualification Badge with Hand Grenade Bar

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 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. For award of the CIB a Soldier must meet the following three requirements: (1) the Soldier must be an infantryman satisfactorily performing infantry duties; (2) the Soldier must be assigned to an infantry unit during such time as the unit is engaged in active ground combat; (3) and the Soldier must actively participate in such ground combat. Campaign or battle credit alone is not sufficient for award of the CIB. The Combat Infantryman Badge is authorized for award during certain qualifying wars, conflicts, and operations such as the Vietnam Conflict and other operations (2 March 1961 to 10 March 1995) which includes Korea on the demilitarized zone (DMZ) (4 January 1969 to 31 March 1994).

3. Department of the Army (DA) Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) shows the applicant's unit (614th Maintenance Company) and the (608th Transportation Company) were cited for award of the:

- Meritorious Unit Commendation, 1 August 1971 to 30 April 1972, DA General Order Number (DAGO) 32, 1973
- Republic of Vietnam Civil Action Honor Medal First Class Unit Citation, 1 January 1971 to 31 December 1971, DAGO Number 32, 1973

4. 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. Military Assistance Command and its subordinate units during the period 8 February 1962 to 28 March 1973 and to Headquarters, U.S. Army Vietnam and its subordinate units during the period 20 July 1965 to 28 March 1973.

5. Army Regulation AR 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, 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. There must have been no convictions by a court-martial.

//NOTHING FOLLOWS//