

IN THE CASE OF: ██████████

BOARD DATE: 6 December 2023

DOCKET NUMBER: AR20230002853

APPLICANT REQUESTS: Correction of his DD Form 214 (Armed Forces of the United States Report of Transfer and Discharge) to show award of the Combat Infantryman Badge (CIB) and the Air Medal (AM).

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214

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 the above awards were never added to his DD Form 214.
3. The applicant was inducted into Army of the United States, on 15 May 1969. His DA Form 20 (Enlisted Qualification Record) shows he was awarded military occupational specialty (MOS) 11B upon completion of initial entry training. His DA Form 20 also shows in item 31 (Foreign Service) that he served in Vietnam from 10 October 1969 to 6 October 1970. He was assigned duties in MOS 11B during this period of service and he was assigned as follows:

Effective Date	Principal Duties	Organization and Station or Theater
12 October 1969	Student America Combat Center	230 Adjutant General Admin Company Replacement Det, United States Army Pacific (USARPAC)
21 October 1969	Rifleman	Company B, 4th Battalion, 3rd Infantry 11th Infantry Brigade, USARPAC
28 April 1970	Rifleman	Headquarters and Headquarters Company, 4th Battalion, 3rd Infantry,

27 May 1970            Automatic Rifleman            11th Infantry Brigade USARPAC  
Company B, 4th Battalion, 3rd Infantry  
11th Brigade, USARPAC

4. Upon his return to the United States, he was assigned to Fort Knox, KY, with duties in MOS 11B, on 12 November 1970.

5. He was honorably released from active duty at Fort Knox, KY, on 14 May 1971. His DD Form 214 shows he completed 2 years of active service. He was awarded or authorized the National Defense Service Medal, Vietnam Service Medal, Republic of Vietnam Campaign Medal, and Army Commendation Medal.

6. On 22 February 2019, the U.S. Army Human Resources Command (AHRC), Awards and Decorations Branch, amended his DD Form 214 and issued a DD Form 215 (Correction to the DD Form 214) showing award of the AM. He will be provided this correction.

7. His available record does not contain, and he did not provide the general orders awarding him the Combat Infantryman Badge.

8. His DA Form 20 does not list the CIB as an authorized award.

9. In a letter dated 20 February 2019, AHRC informed the applicant of the following:

a. The AHRC remained unable to verify his entitlement to the CIB at this time. The basic criteria for award of the CIB during the Vietnam era required the Soldier to hold an Infantry MOS; be assigned or attached to an Infantry, Ranger or Special Forces unit of brigade or smaller size; and satisfactorily participate while his unit was actively engaged in ground combat with the enemy. Being assigned to a qualifying unit and possessing a qualifying MOS were insufficient for award of the CIB.

b. The AHRC verified he possessed a qualifying MOS and was assigned to an Infantry unit; however, without documentation confirming on which specific date he satisfactorily participated infantry duties while his unit was engaged in active ground combat, during which he also met the aforementioned criteria, AHRC could not retroactively approve an award of the CIB.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the

petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant’s petition, available military records and the U.S. Army Human Resources Command notification letter, the Board determined there is sufficient evidence to show the applicant served as a 11B Infantryman was assigned to Company B, 4th Battalion, 3rd Infantry 11th Infantry Brigade, USARPAC. TH Boar noted the applicant served in the Republic of Vietnam from 1 October 1969 to 6 October 1970. Based on governing regulation the applicant met the criteria to be awarded the Combat Infantryman Badge (CIB). The Board noted the applicant’s records were corrected awarding in the Air Medal with a DD Form 215 dated 22 February 2019.

2. During deliberation, the Board found the applicant’s service record did not reflect he was awarded the Army Good Conduct Medal 1st Award) and his record shows he received "excellent" conduct and efficiency ratings throughout his service. Therefore, relief was granted to correct the applicant’s record and award him the Combat Infantryman Badge (CIB) and the Army Good Conduct Medal.

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 Army records of the individual concerned be corrected by awarding him the:

- Combat Infantryman Badge (CIB) and
- Army Good Conduct Medal (1st Award) for exemplary service from 15 May 1969 to 14 May 1971 and adding the medal to his DD Form 214 for the period ending 14 May 1971.

12/16/2023

X

[REDACTED]

CHAIRPERSON

[REDACTED]

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 annotated on his DD Form 214 for the period ending 14 May 1971. As a result, amend his DD Form 214 by adding:

- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Sharpshooters Marksmanship Qualification Badge with Rifle Bar (M-14)
- Vietnam Counteroffensive Phase VII
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
  - Add- 1 bronze star to his already issues Vietnam Service Medal

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) provides for award of the CIB. 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, in effect, 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. U.S. Army Vietnam (USARV) Regulation 672-1 (Awards and Decorations) governed award of the CIB to Army forces operating in South Vietnam. This regulation stated:

a. The criteria for award of the CIB identified the man who trained, lived, and fought as an infantryman and that the CIB was the unique award established to recognize the infantryman and only the infantryman for his service. Further, "the CIB is not an award for being shot at or for undergoing the hazards of day-to-day combat." This regulation also stated the CIB was authorized for award to infantry officers, to enlisted personnel, and to warrant officers who had an infantry specialty/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.

b. Appendix V of USARV Regulation 672-1 states that during the Vietnam era the CIB was awarded only to enlisted individuals who held and served in MOS 11B, 11C, 11D, 11F, 11G, or 11H.

c. Appendix 3 to Annex A of USARV Regulation 672-1 listed advisor positions which qualified for award of the CIB. The regulation authorized award of the CIB to radio operators provided their primary duty was to accompany infantry or infantry-type units on tactical operations.

4. AR 600-8-22 states the Vietnam Service Medal is awarded to all members of the Armed Forces of the United States based on their qualifying service in Vietnam after 3 July 1965 through 28 March 1973; a bronze service star will be awarded for wear on the Vietnam Service Medal for the Soldier's participation in each recognized campaign, including:

- Vietnam Winter-Spring 1970 (1 November 1969 to 30 April 1970)
- Sanctuary Counteroffensive (1 May 1970 to 30 June 1970)
- Vietnam Counteroffensive, Phase VII (1 July 1970 to 30 June 1971)

5. Department of the Army Pamphlet (DA PAM) 672-3 (Unit Citation and Campaign Participation Credit Register) shows, per Department of the Army General Order (DAGO) Number 8, dated 1974, all units that served in Vietnam received the Republic of Vietnam Gallantry Cross with Palm Unit Citation.

//NOTHING FOLLOWS//