

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 20 October 2023

DOCKET NUMBER: AR20230003167

APPLICANT REQUESTS: reconsideration of his previous request for his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period of service ending 28 April 1972 be corrected to show award of the Combat Infantry Badge (CIB).

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored incident report
- DD Form 214

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20210014840 on 22 April 2022.

2. The applicant states after reading the boards findings, he has a couple comments and concerns. The comments that he lost the CIB orders, was incorrect. To be clear, the Army lost his orders while he was in Vietnam. He is not asking anyone to issue a CIB based on his time spent in Vietnam, he has already been awarded the CIB by a full bird colonel while in Vietnam. That is fact. He is asking that someone locate those lost orders for that CIB. To clarify, when he brought the missing CIB orders concern to the attention of his local Veteran Service Office (VSO), they suggested he submit an incident report as part of the review process, which he did. However, there were no mention of that being included in his review. Please see attached incident report. To comment on Army Regulation (AR) 600-8-22, it states the CIB is awarded to among others, enlisted personal with an MOS of 11B; (he was 11B10), must have served in active ground combat while assigned to an infantry unit, (this also includes him). Regulation 671-1 states the CIB can only be awarded to those among others, with an MOS 11B. Again, his was 11B10. He was with the impression, along with review of paperwork submitted, someone would also research the archived records of the battalion and company he was assigned too. Certainly, if there are records on file to have five men, who lost their lives, etched on the Vietnam wall in Washington, there

must also be records of the seven to nine men who were wounded and medevac to Japan who also received the purple heart and CIB. Those records exist, so there certainly must be records of the seven men who survived, including himself, who were all awarded the CIB by a full bird colonel. He has suffered with post-traumatic stress disorder (PTSD) for more than 50 years because of this incident and only recently filed and awarded 70 percent disability because of it.

3. The applicant provided a self-authored incident report. (This is not an official Army issued DA Form 4106 (Incident Report).) The applicant states the following:

a. Vietnam 11 January 1969, USARPAC, assigned to company D, 1st Battalion, 2nd Infantry, 1st Infantry Division. Incident occurred between mid-March and early April 1969.

b. Their Lieutenant had the platoon of 21 men set up on a small artery off the Saigon River the second night in a row, well out of reach of any mortar support base. They all knew it was wrong and not survivable if attacked, but the Lieutenant did it anyway.

c. He had them form a perimeter around a shallow mound, maybe 100 ft in diameter and assigned their four-man machine gun team next to the river to ensure coverage in both directions. His three-man position was on the back side of the mound approximately 75 feet from the river.

d. Approximately 12 midnight, several Vietcong in a sand pan floated down river coming from right to left and dropped a grenade on the machine gun position killing all four men. The Vietcong removed the machine gun from that position and immediately turned it on them. One man lying next to him took a round in the buttocks which traveled down his leg and out his knee. The Lieutenant took a round to his right shoulder and another through his mouth going in one side of his cheek and out the other losing several teeth. Two other positions were hit, and he could hear screaming of several men saying "I'm hit. I'm hit again."

e. Once the shooting stopped. He could hear one man lying in the machine gun position telling the platoon Doctor "I'm dying, turn me over so I can see the sky." He died a minute later.

f. They called in a medevac chopper to retrieve the wounded and dead. As he recalls, there were five dead and possibly nine wounded. With five to seven of them who survived, they gathered up the wounded first and loaded them on the first chopper. Then waited for the second chopper to arrive for the dead. They loaded the dead, four of which were mutilated beyond recognition by the grenade.

g. Unable to get all of them on the chopper, they had to wait for a third. Those of them who remained formed a circle with their feet touching each other and stayed there until the third chopper arrived to retrieve them. When the third chopper arrived, they were taken to a nearby support base.

h. The next morning, they returned to the location with members from another company to retrieve several weapons left behind during the mayhem and darkness. Later that same day those of them who survived were assigned to another support base to recover as we were all suffering with jungle rot on the feet after several days walking through the marshy area around the river. They were ordered to remove their boots and socks and wear nothing but sandals they provided until their feet recovered. They stayed in a hunker surrounding the perimeter of the support base for several weeks.

i. Devastated and scared, they all hoped their platoon Lieutenant would not return as this was the third time, he purposely put them in harm's way. A few days later, a full bird colonel arrived at their location and awarded them with the CIB. To their surprise, their platoon Lieutenant did return flashing the scars on his face and shoulder. He soon had us back in the jungle, obviously trying to make a name for himself.

j. After a few weeks and still in shock, they entered a support base for hot food and showers. At that time, he was granted access to an enlistment officer who he asked what he could do to get out of the situation he was in as he was scared for his life. They suggested that he take what was called a two-year short. This would discharge him from the two years from which he was drafted and reenlist for three additional years. That would then give him the choice of where he wanted to be stationed for his remaining six months. In absolute desperation and hopefully to save his life, he took the two-year short.

k. He was immediately removed from his unit and sent to the 54th Transportation Company where he remained for the duration of his one-year tour.

l. Fast forward several months later, now stationed at Fort Carson, Colorado and assigned to an Honest John Company. The overzealous company Lieutenant took it upon himself to snoop through his records and found there were no orders in his files for the CIB he had proudly sewn on his fatigues while still in Vietnam. Without the orders in his files, the Lieutenant ordered him to immediately remove them from his fatigues, which he did. As a result, he felt humiliated and defeated.

4. The applicant was inducted in the Army of the United States on 25 June 1968. His DA Form 20 (Enlisted Qualification Record) shows he was awarded the military occupational specialty (MOS) 11B (light weapons infantry) on 6 December 1968.

5. The applicant was deployed to Vietnam on 6 December 1969, and assigned to Company B, 1st Battalion, 2nd Infantry, 1st Infantry Division. He was attached to Company D effective 24 January 1969.
6. On 27 May 1969, the applicant was honorably discharged for immediate reenlistment. He enlisted in the Regular Army for a period of 3 years on 28 May 1969. He was transferred to Headquarters and Headquarters Detachment 54th Transport Battalion (Vietnam) on 7 June 1969 with the MOS 36K (senior switchboard operator).
7. The applicant left Vietnam on 31 December 1969. On 11 February 1970, he was assigned to Fort Carson, CO with the MOS 13A (cannoneer). He was reassigned to Germany from 17 June 1971 to 21 April 1972.
8. The applicant was honorably released from active duty and transferred to the Ready Reserve effective 28 April 1972. His DD Form 214 shows he was awarded the following: National Defense Service Medal, Vietnam Campaign Medal with 60 device, Vietnam Service Medal with 4 bronze service stars, Sharpshooter Badge (M-16), Expert Badge (M-14).
9. The applicant was honorably discharged from the Ready Reserve on 1 June 1974.
10. The applicant submitted a DD Form 149 (Application for Correction of Military Records), dated 20 June 2021, stating "I was awarded the CIB while deployed to Vietnam in the field. I lost my orders and was unable to retrieve a copy. When I requested copy of my records about 10 years ago, I realized that his CIB orders were not in my military records. I earned this badge as an Infantryman, and I just want to be able to have the orders for the badge I earned while serving in combat as and Infantryman in Vietnam."
11. The Board found, after reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant's record is void orders showing he was awarded the CIB. The applicant did not provide evidence that shows while he was assigned to an infantry unit in MOS 11B that he engaged enemy forces on a specific date. The Board agreed there is insufficient evidence to grant relief.
12. However, the applicant's record was administratively corrected to add the Republic of Vietnam Gallantry Cross with Palm Unit Citation and the Republic of Vietnam Civil Actions Unit Citation First Class.

13. The applicant did not provide any official records or other substantiating evidence showing he was awarded the CIB. The ABCMR is not an investigative body. The burden of proof remains with the applicant.

14. Review of the Awards and Decorations Computer-Assisted Retrieval System (ADCARS), an index of general orders issued during the Vietnam era between 1965 and 1973 maintained by the Awards and Decorations Branch of the U.S. Army Human Resources Command, failed to reveal any orders for the CIB.

BOARD DISCUSSION:

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 contentions, the military record, and regulatory guidance. The Board agreed that the applicant served as an infantryman. As with other awards, the award of the CIB requires a recommendation and published orders. After due consideration of the applicant's request, the Board determined the evidence presented does not meet applicable regulatory guidance and there is no basis upon which to warrant a recommendation for relief.

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 to amend the decision of the ABCMR set forth in Docket Number AR20120002909 on 23 August 2012.



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. Army Regulation (AR) 600–8–22 (Personnel-General Military Awards) provides Department of the Army policy, criteria, and administrative instructions concerning individual military decorations, Army Good Conduct Medals, service medals and ribbons, combat and special skill badges and tabs, unit decorations, trophies, and similar devices awarded in recognition of accomplishments. It prescribes the policies and procedures concerning U.S. Army awards to foreign military personnel and foreign decorations to U.S. Army personnel. Paragraph 8–6 provides the criteria for award of the Combat Infantryman Badge. For award of the CIB a Soldier must meet the following three requirements:

- a. Be an infantry Soldier satisfactorily performing infantry duties.

(1) A Soldier must be an Army infantry or SF officer (CMF or AOC 11 or 18) in the grade of COL/O-6 or below, or an Army enlisted Soldier or warrant officer with an infantry or SF MOS who, subsequent to 6 December 1941, has satisfactorily performed duty while assigned or attached as a member of an infantry, ranger, or SF unit of either a brigade, regimental, or smaller size during any period such unit was engaged in active ground combat.

(2) Eligibility for SF personnel in MOSs 18B, 18C, 18E, 18F, and 18Z (less 18D-SF medical sergeant) accrues from 20 December 1989. Retroactive awards of the CIB to SF personnel are not authorized prior to 20 December 1989.

b. Be assigned to an infantry unit during such time as the unit is engaged in active ground combat.

(1) A recipient must be personally present and under hostile fire while serving in an assigned infantry or SF primary duty, in a unit actively engaged in ground combat with the enemy. The unit in question must be a brigade, regiment, or smaller size. For example, personnel possessing an infantry MOS in a rifle squad of a cavalry platoon in a cavalry troop would be eligible for award of the CIB. Battle or CPC alone is not sufficient; the unit must have been in active ground combat with the enemy during the period.

(2) Personnel with other than an infantry or SF MOS are not eligible, regardless of the circumstances. The infantry or SF CMF, AOC or MOS does not necessarily have to be the Soldier's primary specialty, as long as the Soldier has been properly trained in infantry or SF tactics, possesses the appropriate skill code, and is serving in that specialty when engaged in active ground combat as described above. Commanders are not authorized to make any exceptions to this policy.

(3) Awards will not be made to general officers or to members of headquarters companies of units larger in size than brigade.

c. Actively participate in such ground combat. Campaign or battle credit alone is not sufficient for award of the CIB.

//NOTHING FOLLOWS//