

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 December 2023

DOCKET NUMBER: AR20230004747

APPLICANT REQUESTS: in effect, correction of his DD Form 214, Armed Forces of the United States-Report of Transfer or Discharge to show:

- Combat Infantryman Badge
- his rank/pay grade as specialist four (SP4/E4)

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

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, in effect, he was awarded the Combat Infantryman Badge however, this award is not listed on his DD Form 214. Further, he contends that his reduction to private first class (PFC/E-3) was based on false evidence and that no one would listen to him.
3. The record shows that on 12 November 1968, the applicant enlisted into the Regular Army.
4. His DA Form 20 shows:
 - he held military occupational specialty (MOS) 63B, wheeled vehicle mechanic
 - he served the Republic of Vietnam from 6 May 1967 to 5 May 1968 while assigned to the 1st Supply and Transport Company as a wheeled vehicle mechanic
 - his date of rank to SP4/E-4 as 18 September 1967

5. Unit Order Number 77, 4 November 1968, issued by the Special Processing Detachment, U.S. Army Engineer Center Special Troops, Fort Belvoir, VA, shows the applicant was reduced to PFC/E-3 effective 1 November 1968 due to misconduct.

6. The record is void, and the applicant did not provide, evidence to show he was awarded an infantry MOS during his tour of duty.

7. The applicant was released from active duty on 23 November 1968. His DD Form 214 shows in:

- Item 5a, Grade, Rate or Rank – PFC (P)
- Item 5b Pay Grade – E-3
- Item 6, Date of Rank – 1 November 1968
- Item 23, Specialty Number & Title – 63B Vehicle Repairman

8. By regulation:

a. The Combat Infantryman Badge is awarded to infantry officers and to enlisted and warrant officer persons who have an infantry MOS. They must have served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or smaller size.

b. Orders are required for promotion from E-3 to E-9, and for the award of a MOS.

9. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence of record shows the applicant served on active duty from 12 November 1968 to 23 November 1968. He held MOS 63B, wheeled vehicle mechanic.

a. The applicant served in Vietnam from 6 May 1967 to 5 May 1968 while assigned to the 1st Supply and Transport Company as a wheeled vehicle mechanic. He does not meet the criteria for award of the CIB since he did not hold an infantry MOS and was not assigned to an infantry unit and/or served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or smaller size.

b. The applicant's DA Form 20 shows his rank/grade of SP4/E-4. However, his records also contain orders issued by the Special Processing Detachment, U.S. Army Engineer Center Special Troops, Fort Belvoir, VA, that reduced to PFC/E-3 effective 1 November 1968 due to misconduct. The Board did not find evidence he was promoted back to SP4 prior to his separation from active duty.

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 for correction of the records of the individual concerned.

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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.

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 Army Board of Correction of Military Records 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 (AR) 600-8-22, Military Awards, states the Combat Infantryman Badge is awarded to infantry officers and to enlisted and warrant officer persons who have an infantry MOS. They must have served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or smaller size. Additionally, Appendix V of U.S. Army Vietnam Regulation 672-1 (Awards and Decorations) states that during the Vietnam era the Combat Infantryman Badge was awarded only to enlisted individuals who held and served in MOS 11B, 11C, 11D, 11F, 11G, or 11H.
3. U.S. Army Vietnam Regulation 672-1 also stated that criteria for award of the Combat Infantryman Badge identified the man who trained, lived, and fought as an infantryman and that the Combat Infantryman Badge was the unique award established to recognize the infantryman and only the infantryman for his service. Further, "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, 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.
4. AR 600-200, Enlisted Personnel Management System, in effect at the time, prescribed policies, responsibilities, and procedures pertaining to career management of Army enlisted personnel. It stated the promotion of enlisted personnel in grades E-3 through E-9 would be announced in routine orders.
5. AR 635-5, Separation Documents, in effect at the time, established the standardized policy for preparing and distributing the DD Form 214. This regulation stated to enter the primary MOS code number, title, and date of award, in item 23a (Specialty Number & Title).
6. AR 15-185, Army Board for Correction of Military Records, prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The ABCMR will decide cases on the evidence

of record. It is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//