

IN THE CASE OF: ██████████

BOARD DATE: 16 November 2023

DOCKET NUMBER: AR20230004829

APPLICANT REQUESTS: reconsideration of his previous requests for award of the Combat Infantryman Badge.

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

- DD Form 149 (Application for Correction of Military Record)
- Personal Letter
- U.S. Military Assistance Command Monthly Summary
- Combat Timeline Excerpt
- Veteran's Affairs (VA) Decision Rating, dated 3 October 2022

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 AR2000043672 on 1 February 2001 and Docket Number AR20070006472 on 28 August 2007.

2. The applicant states, in pertinent part, he was only in country less than 40 days and was assigned to a new unit, the 173d Airborne Brigade previously 82d Airborne Brigade. In late July landing zone uplift came under attack, and he was medically evacuated out the following day for an emergency appendectomy. At 0120 on the morning of 7 August 1969, satchel charges exploded within the confines of the U.S. Army convalescent hospital on the Cam Ranh peninsula. He was recovering after emergency appendicitis surgery at the hospital. He was assigned a rifle and was instructed to support the company that was guarding the hospital. Therefore, he should be qualified to receive the Combat Infantryman Badge.

3. A review of the applicant's available service record reflects the following:

- a. On 27 June 1968, he enlisted in the Regular Army.
- b. DA Form 20 (Enlisted Qualification Record), reflects the following:

(1) Item 22 (Military Occupational Specialties (MOS)) shows the MOS of 11B (Light Weapons Infantry Crewman), effective 1 November 1968 and 12B (Combat Engineer) as the primary MOS, effective 20 February 1970.

(2) Item 31 (Foreign Service) shows oversea service in Vietnam from 2 July 1969 to 30 June 1970.

(3) Item 38 (Record of Assignments) shows service in Vietnam with the 173d Engineer Company, 173d Airborne Brigade, under the duty MOS's of 12A (Pioneer) and 12B (Combat Specialist).

(4) Item 41 (Awards and Decorations) shows:

- National Defense Service Medal
- Vietnam Service Medal
- 2 Oversea Service Bars
- Parachutist Badge
- Army Commendation Medal

c. On 2 June 1970, the applicant accepted non-judicial punishment under the provisions of Article 15, Uniform Code of Military Justice. DA Form 2627-1 (Record of Proceedings under Article 15, UCMJ) reflects he was sleeping on guard duty. His punishment consisted of reduction in grade to private/E-2, forfeiture of pay for 2 months, and extra duty.

d. DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), ending 7 October 1971 reflects an honorable release from active duty for expiration term of service and transfer to the U.S. Army Reserve (USAR) Control Group (Reinforcement) with service from 27 June 1968 to 7 October 1971 with a net active service this period of 3 years.

(1) Item 23 (Specialty Number and Title) shows 12B, effective February 1970.

(2) Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) shows:

- Parachute Badge
- Vietnam Service Medal
- 2 Overseas Bars
- National Defense Service Medal
- Vietnam Campaign Medal w/60 Device

e. On 22 May 1974, the Office of the Adjutant General, U.S. Army Reserve

Components Personal and Administration Center issued Letter Orders Number 05-1201166 honorably discharging him from the Standby Reserve, effective 1 June 1974.

f. ABCMR Docket Number AR2000043672, decided on 1 February 2001 wherein the applicant requests the award of the Combat Infantryman Badge. The Board determination states, in effect, the evidence of record does not confirm that the applicant met the requirements for award of the Combat Infantryman Badge. The evidence of record confirms that the applicant was awarded the Army Commendation Medal for meritorious service during Vietnam. In view of the foregoing, the applicant's record should be corrected, but only as recommended below:

(1) That the Department of the Army records related to this case be corrected by issuing to the individual concerned a DD Form 215 (Correction to DD Form 214) showing that he was awarded the Army Commendation Medal.

(2) That so much of the application as is in excess of the foregoing be denied.

g. ABCMR Docket Number AR20070006472, decided on 28 August 2007 wherein the applicant requests reconsideration of his previous request for the award of the Combat Infantryman Badge. The Board determination states, in effect:

(1) The applicant's claim of entitlement to the Combat Infantryman Badge was carefully considered. However, by regulation, in order to support award of the Combat Infantryman Badge there must be evidence that the member was serving in an infantry MOS satisfactorily performing infantryman duties, that the member was assigned to an infantry unit and that he was personally present and under hostile fire while serving in an assigned infantry primary duty, in a unit actively engaged in ground combat with the enemy.

(2) The evidence of record confirms that although the applicant was initially trained in and awarded an infantry MOS, during his Republic of Vietnam (RVN) tour he was assigned to an engineer unit and served in an engineer MOS, as evidenced by entries in Item 38 of his DA Form 20. The Combat Infantryman Badge is not included in Item 41 of his DA Form 20, and he last audited his record on 12 April 1971, almost a year after he left the RVN. In effect, his audit was verification that the information contained on the record, to include the Item 38 and Item 41 entries, was correct at the time.

(3) Furthermore, there are no orders or other documents on file in his record that show he was ever recommended for or awarded the Combat Infantryman Badge by proper authority while serving in the RVN, and the Combat Infantryman Badge is not included in the list of awards contained in Item 41 of his DA Form 20, which he last audited on 12 April 1971, almost a year after he left the RVN. As a result, the regulatory

burden of proof necessary to support award of the Combat Infantryman Badge has not been satisfied in this case.

(4) In order to justify correction of a military record the applicant must show to the satisfaction of the Board, or it must otherwise satisfactorily appear, that the record is in error or unjust. The applicant has failed to submit evidence that would satisfy this requirement or that would amendment of the original decision in this case.

4. The applicant provides the following:

a. U.S. Military Assistance Command Vietnam Monthly Summary coversheet submitted as unspecified supporting documents.

b. Combat Timeline Excerpt wherein on page 19 it shows a number of satchel charges exploded within the confines of a U.S. Army convalescent hospital on the Cam Ranh Peninsula north of Cam Ranh Air Base, Vietnam. The company and individuals involved are unspecified.

c. VA Decision Rating, dated 3 October 2022 detailing his service-connected medical and mental health related issues from his deployment to Vietnam

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.

2. The Board found no evidence the applicant was assigned to an infantry unit as an infantryman during his service in Vietnam. As such, he could not have met the criteria for the Combat Infantryman Badge. The Board determined the applicant is not authorized the Combat Infantryman Badge for essentially the same reasons described in the earlier considerations of his case.

3. The Board concurred with the corrections described in Administrative Note(s) below.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:CW	:AM	:GB	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined that the overall merits of this case are insufficient as a basis to amend the decision of the ABCMR set forth in Docket Numbers AR2000043672 on 1 February 2001 and AR20070006472 on 28 August 2007.

2/16/2024

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CHAIRPERSON



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): The applicant is authorized decorations that were not recorded on his DD Form 214. Correct the DD Form 214 by adding the following:

- Three bronze service stars with the Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

REFERENCE:

Army Regulation 600-8-22 (Military Awards) provides that the Combat Infantryman Badge is awarded to infantry officers and to enlisted and warrant officer personnel who have served 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. The

Awards Branch of the Total Army Personnel Command has advised in similar cases that during Vietnam era, the Combat Infantryman Badge was awarded only to enlisted individuals who held and served in MOS 11B, 11C, 11F, 11G, or 11H.

//NOTHING FOLLOWS//