

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 December 2023

DOCKET NUMBER: AR20230005455

APPLICANT REQUESTS: award of the Combat Infantryman Badge (CIB).

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

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 he was in Vietnam in 1970-1971. He was in Company D, 51st Infantry. He saw combat on road convoys to different places. He was told he would get the CIB, but it is not on record and he never received it. He waited because he had no idea there was a place to request awards. He just found out about this.
3. The applicant enlisted in the Regular Army on 30 June 1970. He was awarded military occupational specialty 11B (Infantryman) on 7 November 1970.
4. His DA Form 20 (Enlisted Qualification Record) shows he served in Vietnam from 5 December 1970 – 4 December 1971. He was assigned to Company D, 51st Infantry. Item 41 (Awards and Decorations) does not show he was awarded the CIB.
5. He was honorably released from active duty on 29 June 1973. His DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) shows he completed 3 years net service this period. Item 24 (Decorations, Medals, Badges, Commendation, Citations and Campaign Ribbons Awarded or Authorized) shows:
 - National Defense Service Medal
 - Vietnam Campaign Medal w/ 1960 Device
 - Vietnam Service Medal with 1 bronze service star

- Sharpshooter Badge (M-16)

6. After a 1 month and 1 day break in service, he enlisted on 31 July 1973. He was honorably released from active duty on 28 July 1978. His DD Form 214 (Report of Separation from Active Duty) shows he completed 4 years, 11 months, and 28 days net active service this period. Item 26 (Decorations, Medals, Badges, Commendation, Citations and Campaign Ribbons Awarded or Authorized) shows:

- National Defense Service Medal
- Vietnam Service Medal with 3 bronze service stars
- Vietnam Campaign Medal
- Good Conduct Medal with 2 loops
- Sharpshooter Badge (Rifle)

7. 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 CIB.

8. The applicant's records do not contain orders or any other documentation showing he was awarded the CIB. The applicant did not provide any orders showing he was awarded the CIB.

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 confirming the applicant's claim that he actively participated in ground combat with his infantry unit in Vietnam. In the absence of documentation confirming he met this basic criterion for the CIB, the Board determined the evidence does not support adding the CIB to his record.

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.

2/27/2024

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CHAIRPERSON

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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 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 (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//