

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 August 2024

DOCKET NUMBER: AR20230005605

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to:

- add the Purple Heart and Expert Marksmanship Qualification Badge with Machine Gun Bar
- award the Combat Infantryman Badge
- add military education for attendance at a noncommissioned officers (NCO) school and airborne training

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 was inducted into the Army of the United States on 27 March 1968. He completed training and was awarded the military occupational specialty 11B (Light Weapons Infantryman).
3. Special Orders Number 183 awarded the applicant the Expert Marksmanship Qualification Badge with Machine Gun Bar on 2 July 1968.
4. Special Orders Number 256 awarded him the Parachutist Badge on 6 December 1968.
5. The applicant served in Vietnam from 28 February 1969 to 12 May 1969 with Company A, 2nd Battalion, 1st Infantry.
6. The applicant was wounded in action on 7 May 1968. He was medically evacuated to Korea for surgical treatment on 12 May 1969.

7. General Order Number 5760 awarded the applicant the Purple Heart on 22 June 1969.

8. The applicant's DA Form 20 (Enlisted Qualification Record) shows:

- he was assigned as a student NCO candidate and completed the Basic Airborne Training, in 1968, and the NCO Combat Leadership Course, in 1969
- upon release from the hospital following his treatment for combat wounds, he was reassigned to duty as a Desk Sergeant in Korea with the duty MOS of 95B
- his conduct and efficiency ratings are shown as all excellent

9. The applicant was honorably released from active duty on 8 January 1970. His DD Form 214 shows:

- 1 year, 10 months, and 12 days of active service
- item 24 (Decoration, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized): National Defense Service Medal, Vietnam Service Medal, Parachutist Badge, Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14), and Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- item 25 (Education and Training Completed): none

10. Department of the Army General Orders 8 of 1974 awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Army, Vietnam, and subordinate units for the period 20 July 1965 to 28 March 1973.

11. For award of the Combat Infantryman Badge, an enlisted Soldier must have an infantry specialty, they must be satisfactorily performing infantry duties while assigned or attached to an infantry unit of brigade, regimental, or smaller size during any period such unit was engaged in active ground combat, and they must be personally present and under hostile fire while serving in that unit.

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 review based on law, policy, and regulation. The evidence of record shows the applicant held military occupational specialty (MOS) 11B (Light Weapons Infantry) while serving in Vietnam from 1 April 1969 to 12 May 1969. The Board noted the applicant was awarded the Purple Heart for wounds received in connection with military operations against a hostile force on 7 May 1969.

The Board concluded the applicant met the criteria for award of the Combat Infantryman Badge based on him being assigned to an infantry unit, was engaged in active ground combat, and was personally present and under hostile fire while serving in that unit and MOS as evidenced by his award of the Purple Heart.

2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted for the applicant's request to add military education for attendance at a noncommissioned officers (NCO) school and airborne training. Specifically, the applicant was promoted to sergeant (SGT)/E-5 on 12 November 1968 and his DA Form 20 shows he was a student NCO candidate from 17 August 1968 to 11 November 1968. Additionally, the applicant provided Special Orders Number 297 which show he held the special identifier "P" for completing parachutist (airborne) training effective 7 December 1968.

3. Prior the closing the discussion, the Board noted and concurred with the analyst of record's administrative notes below.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 8 January 1970:

- awarding the applicant the Combat Infantryman Badge
- adding to item 24 of his DD Form 214 the Combat Infantryman Badge
- adding to item 25 of his DD Form 214:
 - noncommissioned officer course, 12 weeks, 1968

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 635-5 (Separation Documents), as then in effect, prescribed the separation documents that must be prepared for Soldiers on retirement, discharge, release from active duty service, or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214 and stated that at:

a. block 24 (Decoration, Medals, Badges, Citations, and Campaign Ribbons) list all awards and decorations for all periods of service. Each entry will be verified by the Soldier's records and abbreviations are not to be used.

b. block 22 (Education and Training) list all in-service training courses. This information is intended to assist the individual after separation in job placement and counseling. Therefore, training courses for combat skills will not be listed.

c. block 30 (Remarks) indicate service in Indochina (including in Vietnam) and Korea service, on or after 5 August 1964, by entering inclusive dates of service for Vietnam and indicating service in Korea if appropriate.

3. Army Regulation 600-8-22 (Military Awards) provides that the:

a. Good Conduct Medal is awarded to those individuals who distinguish themselves by his conduct, efficiency, and fidelity during a 3-year period of service. Although there is no automatic entitlement to the Good Conduct Medal, disqualification must be justified.

b. The Republic of Vietnam Campaign Medal with Device (1960) was awarded by the Republic of Vietnam to members of the armed forces who served at least 6 months in Vietnam or who, because of wounds or capture were prevented from serving the required 6 months.

c. Korean Defense Service Medal is authorized for award to members of the Armed Forces of the United States who have served on active duty in support of the defense of the Republic of Korea from 28 July 1954 to a date to be determined by the Secretary of Defense. Service members must have been assigned, attached, or mobilized to units operating in the area of eligibility for 30 consecutive or for 60 nonconsecutive days.

d. For award of the Combat Infantryman Badge, an enlisted Soldier must have an infantry specialty, they must be satisfactorily performing infantry duties while assigned or attached to an infantry unit of brigade, regimental, or smaller size during any period such unit was engaged in active ground combat, and they must be personally present and under hostile fire while serving in that unit.

//NOTHING FOLLOWS//