

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 December 2023

DOCKET NUMBER: AR20230005630

APPLICANT REQUESTS:

- award of the Combat Infantryman Badge (CIB)
- a personal appearance hearing before the Board via video/telephone

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- Self-authored Statement, 12 April 2020
- two Photographs

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:

a. He was serving with the 2d Battalion, 3d Brigade, 505th Parachute Infantry Regiment, 82d Airborne Division, in the Dominican Republic all of May 1965. The first photograph shows him on an M-274 (1/2-ton utility platform truck (Mule)), transporting an M-30 (4.2-inch heavy-mortar weapon). The second photograph shows him setting the gun while the gunner is setting the deflection.

b. It is not the notion of him driving the Mule or a light truck, it is his military occupational specialty (MOS) that matters. He held both the 111.17 (Light Weapons Infantryman) MOS and the 112.17 (Heavy Weapons Infantryman) MOS.

3. The applicant enlisted in the Regular Army on 25 June 1962. His DA Form 20 (Enlisted Qualification Record) (pages 1 and 2 only) shows:

a. He was awarded primary MOS 112.07 (Heavy Weapons Infantryman) effective 6 November 1962.

b. He was assigned to Company D, 1st Airborne Group, 503d Parachute Infantry Regiment, 82d Airborne Division, Fort Bragg, NC, as a senior rifleman in duty MOS 111.17 from 10 January 1963 through 31 March 1963.

c. He was assigned to Company D, 1st Airborne Group, 505th Parachute Infantry Regiment, 82d Airborne Division, Fort Bragg, NC, as a senior rifleman in duty MOS 111.17 from 1 April 1963 through 24 May 1964.

d. He was awarded primary MOS 111.17 effective 28 May 1963, making MOS 112.07 his secondary MOS.

e. He was assigned to Headquarters and Headquarters Company, 2d Battalion, 505th Parachute Infantry Regiment, 82d Airborne Division, Fort Bragg, NC, as a mail delivery clerk in duty MOS 710.07 (Mail Delivery Clerk) from 25 May 1964 through 14 February 1965.

f. He was assigned to Headquarters Company, 2d Battalion, 505th Parachute Infantry Regiment, 82d Airborne Division, Fort Bragg, NC, as a light truck driver in duty MOS 112.07 on 15 February 1965 through 23 June 1965.

g. No foreign service is recorded.

4. He was honorably released from active duty on 24 June 1965 and transferred to the U.S. Army Reserve Control Group (Reinforcement) to complete his Reserve service obligation. His DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) shows he completed 3 years of net active service during this period. Item 25a (Specialty Number and Title) shows his MOS as 111.17 (Light Weapons Infantryman). He was awarded the Parachutist Badge.

5. His service records do not contain assignment or temporary duty orders deploying him or his unit to the Dominican Republic in support of Operation Power Pack during the Dominican Civil War.

6. His service records do not contain orders awarding him Combat Infantryman Badge.

7. His service records contain:

a. a DA Form 1577 (Office of the Adjutant General Authorization for Issuance of Awards), 25 November 1968, notifying the applicant that his official military records do not show he was awarded the Combat Infantryman Badge; and

b. a carbon copy of a form letter from an unidentified source (presumed to be from the National Personnel Records Center or U.S. Army Reserve Components Personnel Administration Center), 24 July 1975, informing the applicant that his records show he served as a light truck driver during his tour of duty in the Dominican Republic and he does not qualify for award of the Combat Infantryman Badge.

BOARD DISCUSSION:

1. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, the Board determined a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.
2. After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board found that relief was not warranted. The applicant's contentions, his military records, and regulatory guidance were carefully considered. In order to be awarded the Combat Infantryman Badge, the enlisted Soldier must have an infantry MOS and must have served in active ground combat while assigned or attached to an infantry, ranger, or special forces unit of brigade, regimental, or smaller size. Specifically, a recipient must be personally present and under hostile fire while serving in an assigned infantry or special forces primary duty in a unit actively engaged in ground combat with the enemy. The evidence in this case shows the applicant held an infantry MOS and was assigned to an infantry unit at Fort Bragg, in various capacities. The Board found no evidence of any foreign/combat service or evidence the applicant was personally present and under hostile fire while serving in an assigned infantry or special forces primary duty in a unit actively engaged in ground combat with the enemy. The Board determined he does not meet the criteria for award of the Combat Infantryman Badge.

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 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 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 considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record; it is not an investigative body. 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. The ABCMR members will direct or recommend changes in military records to correct the error or injustice, if persuaded that material error or injustice exists and that sufficient evidence exists in the record. The ABCMR may, in its discretion, hold a hearing. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. Army Regulation 600-8-22 (Military Awards), prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. The CIB is awarded to infantry or special forces officers and enlisted and warrant officer persons who have an infantry or special forces MOS. They must have served in active ground combat while assigned or attached to an infantry, ranger, or special forces unit of brigade, regimental, or smaller size. Specifically, a recipient must be personally present and under hostile fire while serving in an assigned infantry or special forces primary duty in a unit actively engaged in ground combat with the enemy. Battle or campaign participation credit alone is not sufficient; the unit must have been in active ground combat with the enemy during the period. The definition of the requirement to be "engaged in active ground combat" has generated much dialogue over the years as to the original intent of the CIB. The intent has been clarified over time as being personally present, under fire, and engaging in action against the enemy in ground forces combat. It is not awarded for battle participation credit.

a. A Soldier must meet the following three requirements for award of the CIB:

- be an infantryman satisfactorily performing infantry duties
- be assigned to an infantry unit during such time as the unit is engaged in active ground combat
- actively participate in such ground combat

b. The CIB is authorized for award for qualifying service in the Dominican Republic between 28 April 1965 and 1 September 1966.

//NOTHING FOLLOWS//