

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 January 2024

DOCKET NUMBER: AR20230005952

APPLICANT REQUESTS:

- reconsideration of his prior request for award of the Combat Infantryman Badge
- a new request for award of the Bronze Star Medal
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 20 (Enlisted Qualification Record)
- Daily Staff Journal or Duty Officer's Log, dated 14 June 1971
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge, dated 6 September 1971)
- Letter Orders 08-1268947, dated 20 August 1975
- Department of Veterans Affairs (VA) Rating Decision, dated 8 November 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 AR20160004482 on 21 December 2017.
2. The applicant states he served in the 1st Cavalry Division in Vietnam in a combat zone. He was put in for a Bronze Star by his command while in service.
3. A review of the applicant's record revealed several awards were missing from his DD Form 214. These awards will be corrected through an administrative correction without action by the Board.
4. The applicant was inducted into the Army of the United States on 11 September 1969.

5. The applicant's DA Form 20 (Enlisted Qualification Record (EQR)) shows he was assigned the military occupational specialties (MOS) 11E (armor crewman) and 63B (wheel vehicle repairman).

6. The applicant's DA Form 20 (Personnel Qualification Record) contains the following information and entries:

a. Item 29 (Qualification In Arms) lists the following qualifications:

- 12 February 1970 - Expert Marksmanship Qualification Badge with Tank Weapons Bar(105 mm)
- 24 July [illegible year] - Expert Marksmanship Qualification Badge with Submachine Gun Bar (.45 caliber)

b. Items 31 (Foreign Service) and 38 (Record of Assignments) of the applicant's EQR show he served in Vietnam from 1 November 1970 to 3 September 1971 and he was assigned to the following units with a duty MOS of 11B (Infantryman):

- 1 November 1970 - 29 May 1971 -- Company B, 1st Battalion, 12th Cavalry Regiment, 1st Cavalry Division
- 30 May 1971 - 2 September 1971 -- Company E, 1st Battalion, 12th Cavalry Regiment, Headquarters 3rd Brigade, 1st Cavalry Division

7. The applicant's record is void of any orders or recommendations for award of the Combat Infantryman Badge or the Bronze Star Medal.

8. The applicant was honorably released from active duty a on 6 September 1971. His DD Form 214 shows his MOS as 11E. He was awarded the National Defense Service Medal, Vietnam Service Medal, Air Medal, Army Good Conduct Medal, Vietnam Campaign Medal, and two Overseas Bars.

9. Letter Orders 08-1268947, provided by the applicant, show he was honorably discharged from the Ready Reserve on 1 September 1975.

10. The applicant also provided his VA rating decision showing his service connected, Vietnam Era disability rating and conditions.

11. The applicant previously applied to the Board on 8 January 2016, requesting the addition of the Combat Infantryman Badge to his DD Form 214.

a. The applicant provided, with his application, a witness statement from a Mr. PAG, who states he served with the applicant in the RECON squad of Company E, 12th Cavalry in combat in the Republic of Vietnam.

b. Additionally, Mr. PAG provided a copy of his own DD Form for the applicant to use in consideration of his case; this DD Form 214 shows Mr. PAG was awarded the Combat Infantryman Badge. Of note, during this consideration, the Record of Proceeding incorrectly identified this as the applicant's DD Form 214.

c. On 21 December 2017, the Board denied the applicant's requests, determining the evidence presented did not demonstrate the existence of a probable error or injustice and that the overall merits of his case were insufficient as a basis for correction of his records.

12. 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. Paragraph 2-11 states applicants do not have a right to a formal hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

BOARD DISCUSSION:

1. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

2. After reviewing the application and all supporting documents, the Board found that a portion of relief was warranted. Based on the documentation available for review, specifically showing that he held the military occupational specialty (MOS) 11b (Infantry) and in reviewing awards received and the circumstances under which the applicant received those awards, the Board concluded that the applicant met the requirements for the award of the Combat Infantry Badge and a correction to his record is warranted.

3. After further consideration of the documentation available for review, the Board found insufficient evidence that the applicant had a formal recommendation, approval through the chain of command and announcement in orders for the award of the Bronze Star Medal and therefore, denied that portion of the applicant's request.

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant amendment of the ABCMR's decision in Docket Number AR20160004482 dated 21 December 2017. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending his DD214 for the period ending 6 September 1971 to show the award of the Combat Infantry Badge.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to the award of the Bronze Star Medal.



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 NOTES: administratively correct the applicant's DD Form 214 without action by the Board to add the following awards -

- Vietnam Service Medal with two bronze Service Stars
- Republic of Vietnam Gallantry Cross with Palm Unit Citation (2nd Award)
- Expert Marksmanship Qualification Badge with Tank Weapons Bar(105 mm)
- Expert Marksmanship Qualification Badge with Submachine Gun Bar (.45 Caliber)

REFERENCES:

1. Army Regulation (AR) 600-8-22 prescribes Department of the Army (DA) policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The Bronze Star Medal is awarded to any person who, while serving in any capacity in or with the Armed Forces of the United States, or a friendly foreign nation, after 6 December 1941, distinguished himself or herself by heroic or meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy; or while engaged in military operations involving conflict with an opposing armed force in which the United States is not a belligerent party.

b. 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 US Army Vietnam (USARV) Regulation 672-1 (Decoration and Awards) 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.

c. a bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign. During the period of the Applicant's service in Vietnam he participated in the following campaigns:

- Vietnam Counteroffensive, Phase VII, 1 July 1970—30 June 1971
- Consolidation I, 1 July 1971—30 November 1971

2. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register SHOWS:

a. Department of the Army General Orders (DAGO) awarded the 1st Battalion, 12th Cavalry Regiment the following unit awards during the period of the applicant's service:

- DAGO 42, dated 1972, awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period 21 February 1970 to 28 February 1971
- DAGO 54, dated 1974, awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period 17 September 1965 to June 1972

b. Not more than one Republic of Vietnam Gallantry Cross Unit Citation will be worn by any individual. Although multiple awards of this unit citation are not authorized for wear, official military and historical records will indicate all awards received.

//NOTHING FOLLOWS//