

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 August 2024

DOCKET NUMBER: AR20230006251

APPLICANT REQUESTS, in effect:

- award of the Combat Infantryman Badge (CIB)
- correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show he served in military occupational specialty (MOS) 12B (Combat Engineer)

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

- DD Form 149, Application for Correction of Military Record
- Applicant's supporting statement
- U.S. Army Training Center and Fort Leonard Wood, Fort Leonard Wood, MO, letter
- Letter of Commendation
- Military photographs
- DD Form 214
- Character references
- List of Letters
- National Personnel Record Center (NPRC) letter

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 indicates that his request is related to post-traumatic stress disorder (PTSD). The applicant states, in effect, the Department of Veterans Affairs (VA) denied his disability claim for PTSD because there is no evidence that he participated in any active combat operations during his service in the Republic of Vietnam (RVN). He contends he served in the RVN as a combat engineer and that he participated in combat operations. The CIB is evidence of his combat service.

3. The applicant's military records are not available for review. The Board will consider his request based on his DD Form 214 and his supporting documents.

4. His DD Form 214 shows that he was inducted into the Army of the United States on 19 January 1967. His DD Form 214 further shows:

a. He held the rank and pay grade of specialist four/E-4 (temporary) at the time of his release from active duty.

b. His last duty assignment was with Company B, 613th Engineer Battalion, 5th U.S. Army.

c. His MOS is listed as 62L (Construction Machine Operator).

d. The applicant was released from active duty on 17 January 1969. He completed 1 year, 11 months, and 29 days of total active service, of which 11 months, and 27 days were served in the RVN.

e. He was awarded or authorized the National Defense Service Medal, Vietnam Service Medal with bronze service star, and Vietnam Campaign Medal.

5. There are no orders awarding the applicant the MOS of 12B or orders awarding him the CIB.

6. The applicant provides:

a. A letter, undated, wherein the Commander, U.S. Army Training Center and Fort Leonard Wood, Fort Leonard Wood, MO, congratulated the "Combat Engineer Soldiers" for completing the intensive Combat Engineer Advanced Individual Training program.

b. A Letter of Commendation, 13 February 1968, from the Commander, Company A, 4th Engineer Battalion, (Infantry Division), given in recognition for the applicant's outstanding combat engineering support in the clearing of landing zones, fire support bases, construction of fortifications, and mine clearing operation during the period July 1967 to November 1967 against a hostile force in the RVN.

c. Several black and white photographs of Soldiers engaged in tactical training, firing rocket launchers, firing grenade launchers, working with explosives and demolitions, conducting land mine warfare, participating in M-60 training, and other combat engineering activities.

d. A personal statement in support for the CIB. The applicant recounts his combat service in the RVN. He contends, in effect, that he took enemy fire after clearing a

firebase. He experienced shrapnel whirling by him and he did not think he was going to make it. On another occasion his unit came under rocket attacks while in a bunker filled waist deep with water. As the bunker began to collapse, they moved to a stairwell and were trapped. One of the rockets hit the "POL dump" and it exploded. After that the attack stopped. In November 1967 he was assigned to an air strip for about 3 weeks. He contends that the air strip came under attack almost daily. During this period, he was tasked with driving supplies between the base at Pleiku to the base at Dak To. He worried about ambushes. In December 1967, night explosives went off in the truck he was on and on several pieces of equipment. He was initially pinned down by machine gun fire but managed to get out and take cover in nearby rocks. His unit was pinned down for three days. During that time his unit came under mortar attacks, and they watched the enemy come out of the mountains and try to get through the perimeter wire. He still has dreams of being back there and his dreams cause him to be awake for hours. He received a letter of commendation for his combat experiences on 13 February 1968.

e. Letters of support from the applicant's spouse, sister, and brother. These family members state, in effect, that that applicant was forever changed by combat operations in the RVN. He is currently suffering from numbness in his fingers, acne, PTSD, atrial fibrillation, shortness of breath, and exposure to agent orange. The applicant's use of alcohol increased, and he used marijuana after he came back for the RVN. He was also always on edge and quick tempered.

f. A list of letters with dates which are marked as being filed in a loose stack or in a tote. This list is written in a diary format and lists combat activities, mine sweeps, unit movements, conversations with his family, and enemy attacks.

g. A letter from NPRC, 25 October 2023, which shows the applicant was authorized the National Defense Service Medal, Vietnam Service Medal with 3 bronze service stars, RVN Campaign Ribbon with Device "1960," and the Sharpshooter Marksmanship Qualification Badge with Rifle Bar.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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) 62L (Construction Machine Operator). The applicant served in Vietnam for 11 months and 27 days; however, there is no evidence he was engaged in enemy action. The Board determined he does not meet the criteria for award of the Combat Infantryman

Badge since he did not hold an infantry MOS and was not assigned to an infantry unit and/or served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or smaller size. Additionally, the Board concluded the evidence of record does not support he held MOS 12B (Combat Engineer) and denied relief to amend his DD Form 214 to show he served in that MOS.

BOARD VOTE:

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| : | : | : | 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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| 10/28/2024 |
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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 600-8-22, Military Awards, states:

a. All Soldiers are provided basic combat skills training after they enter the Army. This is provided to ensure that all Soldiers have the survival skills to perform basic infantry missions when the need arises. The exigencies of combat may require non-infantry Soldiers to temporarily perform the basic infantry duties that all Soldiers are taught, but it is not a basis for the award of the Combat Infantryman Badge.

b. The Combat Infantryman Badge is awarded to infantry officers and to enlisted and warrant officer persons who have an infantry military occupational specialty (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 U.S. Army Vietnam (USARV) Regulation 672-1 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.

3. AR 15-185, ABCMR, prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//