

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 February 2024

DOCKET NUMBER: AR20230006413

APPLICANT REQUESTS:

- award of the Combat Infantryman Badge (CIB)
- a video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), for the period ending 17 June 1971
- Seven 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 he is requesting award of the CIB for service in the reconnaissance (Recon) platoon in Vietnam from 1970 to 1971. He noticed that he had not received a CIB when he was applying for a special license plate and reviewed his DD Form 214. He believes his service in Vietnam certainly included combat time in a recon platoon, as evidenced by his photos. Furthermore, his service in Vietnam and his combat operations are noted on his Army Commendation Medal (ARCOM) and his Air Medal. The last few months of his service in Vietnam were spent in the Headquarters Company in the rear after his combat time served in the recon platoon. He was discharged from the Headquarters Company at the end of his tour.
3. The applicant provides seven photographs, presumably of his service in Vietnam, which include the following captions:
  - Vietnam Recon Operation, 1971 (two photos)
  - Bringing in the Chopper, 1971

- Mission on Dang Nai River, December 1970
- Vietnam Jungle, 1971
- Uniform with CIB, June 1971
- Bien Hoa, Vietnam with fellow recon Soldiers

4. A review of the applicant's service record shows:

a. He enlisted in the Regular Army on 9 September 1969.

b. His DA Form 20 (Enlisted Qualification Record) shows he completed the 11B, Light Weapons Infantryman training in 1969 and subsequently completed the 11F, Infantry Operations and Intelligence Specialist training on 23 February 1970. He served in Vietnam from 27 August 1970 to 17 June 1971, through two campaigns. He was assigned in Vietnam as an 11F to the following units:

- 11 September 1970: Company E, 1st Battalion, 12th Cav, 1st Cav Division
- 26 March 1971: HHC, 1st Battalion, 12th Cav, 1st Cav Division
- 1 April 1971: HHC, 1st Battalion, 12th Cav, 3rd Brigade (Sep), 1st Cav Division

c. His DA Form 20 also shows in:

(1) Block 41 (Awards and Decorations) of his DA Form 20 he was issued the listed awards:

- National Defense Service Medal – Army Regulation (AR) 672-5-1 (Awards – Decorations, Awards, and Honors)
- Vietnam Service Medal – AR 672-5-1
- ARCOM – General Order (GO) 616, HQ, 3rd Bde (Sep), 1st Cav Division
- Republic of Vietnam Campaign Medal – AR 672-5-1
- Air Medal – GO 4584, HQ, 1st Cav Division (AM) 1971
- Good Conduct Medal
- Combat Infantryman Badge

(2) Block 38 (Record of Assignments) shows the applicant had excellent conduct and efficiency ratings throughout his entire service period.

d. He was released from active duty on 17 June 1971. His DD Form 214 shows he completed 1 year, 9 months, and 9 days of total active service. It also shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal

- Vietnam Campaign Medal
- Army Commendation Medal
- Air Medal

5. A letter from U.S. Army Human Resources Command (HRC), Military Awards Branch, notified the applicant on 20 October 2005, he did not meet the criteria for award of the Purple Heart. The applicant provided a statement which indicated he incurred an injury when the machete he was using to cut a mahogany tree bounced off the bark and cut his right knee; therefore, his injury was not the result of enemy action and did not qualify for the award. Based on the military records forwarded by the National Personnel Records Center, HRC verified the applicant's entitlement to the Republic of Vietnam Gallantry Cross Unit Citation with Palm.

6. On 20 October 2005, he was issued a DD Form 215 (Correction to DD Form 214), that corrected his DD Form 214 to show award of the Republic of Vietnam Gallantry Cross Unit Citation with Palm Device.

7. A review of the applicant's record confirms he is eligible for campaign credit that is not recorded on his DD Form 214. The credit will be added to his DD Form 214 as an administrative correction and will not be considered by the Board.

8. By regulation (AR 15-185), an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

9. By regulation (AR 672-5-1):

a. The Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active service, and, for the first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year. The enlisted person must have had all "excellent" conduct and efficiency ratings and there must be no convictions by a court-martial. The applicant's record is void of documentation awarding him the Army Good Conduct Medal.

- he received excellent conduct and efficiency ratings during his period of active service
- he served honorably and without disciplinary action for 1 year, 9 months, and 9 days
- there is no record of a court-martial in his service record

b. For award of the CIB, a Soldier must meet the following three requirements:

- be an infantryman satisfactorily performing infantry duties

- assigned to an infantry unit during such time as the unit is engaged in active ground combat
- actively participate in such ground combat

#### 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 applicant's contentions, the military record, and regulatory guidance were carefully considered.

2. The applicant's request for a personal appearance hearing was carefully considered. However, in this case, the evidence of record and independent evidence provided by the applicant 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.

3. The applicant was in an infantry unit, he had an infantry MOS, his DA Form 2-1 contains an entry stating he was awarded the Combat Infantryman Badge.

4. He served honorably during the period 9 September 1969 to 17 June 1971 and he received all "excellent" conduct and efficiency rating throughout this period and there is no record of derogatory information that would disqualify him for the first award of the AGCM. Additionally, there are no entries in his record to indicate that his commander denied him this award. Therefore, he should be awarded the AGCM (1st Award) and his DD Form 214 should be corrected to show this award.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined that the evidence presented was sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- a. awarding him the:
  - Combat Infantryman Badge
  - Army Good Conduct Medal (1st Award) for the period 9 September 1969 to 17 June 1971

- b. adding to his DD Form 214 the:
  - Army Good Conduct Medal (1st Award)
  - Combat Infantryman Badge

2. The Board concurs with making the corrections annotated in Administrative Note(s) by the Analyst of Record (below the signature).

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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.

ADMINISTRATIVE NOTE:

A review of the applicant's service records show he is authorized additional campaign credit not annotated on his DD Form 214. As a result, amend his DD Form 214 to show two bronze service stars with his previously awarded Vietnam Service Medal.

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) 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, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that 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. AR 672-5-1 (Awards – Decorations, Awards, and Honors), in effect at the time, provides Army policy, criteria, and administrative instructions concerning individual military decorations states the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940; for first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; and, for the first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year. The enlisted person must have had all "excellent" conduct and efficiency ratings. Ratings of "Unknown" for portions of the period under consideration were not disqualifying. Service school efficiency ratings based upon academic proficiency of at least "Good" rendered subsequent to 22 November 1955 were not disqualifying. There must have been no convictions by a court-martial. However, there was no right or entitlement to the medal

until the immediate commander made a positive recommendation for its award and until the awarding authority announced the award in general orders.

4. Army Regulation 600-8-22 (Military Awards) states the Combat Infantryman Badge is awarded to infantry officers and to enlisted and warrant officer persons who have an infantry military occupational specialty (MOS). 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. For award of the Combat Infantryman Badge, a Soldier must meet the following three requirements:

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

//NOTHING FOLLOWS//