

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 January 2024

DOCKET NUMBER: AR20230006433

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

- award of the Combat Infantryman Badge (CIB)
- the Pathfinder designation be added to his last duty station

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Airborne Course Diploma
- Pathfinder Course Diploma
- Photos of Pathfinder flag and Pathfinder Team # 3
- DD Form 214
- Honorable Discharge Certificate

FACTS:

1. The applicant did not file within the three-year time frame provided in Title 10, United States 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, due to his father's poor health, he was given an early release and he did not read the medals section of his DD Form 214. His DD Form 214 shows his military occupational specialty (MOS) as 11B2Y and that Pathfinders wore a black cap with aviation wings. This is shown in the photograph he provided.

3. As an additional issue, the Board should also consider authorization for award of the Army Good Conduct Medal (1st Award) for the period 18 February 1970 through 10 November 1971.

4. The applicant enlisted in the Regular Army on 18 February 1970 for three years. He completed basic combat training, he completed Advanced Individual Training, the Basic

Airborne Course, and the Pathfinder Course, and he was awarded of the MOS of 11B2Y (Light Weapons Infantryman).

5. He served in Vietnam from 21 November 1970 to 5 October 1971 with assignment to Headquarters, Headquarters Company, 14th Combat Aviation Battalion, 23rd Infantry Division. He served in Vietnam during two campaign periods:

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

6. His DA Form 20 (Enlisted Qualification Record) shows:

- his primary MOS as 11B2Y
- his conduct and efficiency ratings are all excellent
- he had no record of time lost
- his awards and decoration are shown as:
 - Army Commendation Medal
 - National Defense Service Medal
 - Vietnam Service Medal
 - Republic of Vietnam Campaign Medal with Device (1960)
 - Parachutist Badge
 - Pathfinder Badge
 - Expert Qualification Badge with Rifle Bar
 - An unreadable weapons qualification badge

7. He was honorably released from active duty in the rank of Specialist 4 -E-4 on 10 November 1971. His DD Form 214 shows in:

- item 12 (Last Duty Station and Major Command) – his last duty assignment and major command was Headquarters and Headquarters Company, 14th Aviation Battalion, Vietnam
- item 22(1) (Net Service this Period) – he completed 1 year, 8 months, and 23 days of active-duty service
- item 23a (Specialty Number and Title) – his MOS as 11B2Y (Light Weapons Infantryman)
- item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) – his awards and decoration are listed as the:
 - Army Commendation Medal
 - National Defense Service Medal

- Vietnam Service Medal with one bronze service star
 - Republic of Vietnam Campaign Medal with Device (1960)
 - Pathfinder Badge
 - Parachutist Badge
 - Expert Qualification Badge with Rifle Bar
- item 26a (Non-Pay Periods time Lost) – none

8. The applicant provided two photographs showing a Pathfinder flag and members of Team # 3, including himself, with the flag and wearing black caps.

9. His records are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal, orders awarding him the Army Good Conduct Award and the Combat Infantryman Badge, or assignment to a Pathfinder Team.

10. Department of the Army General Orders Number 8, dated 1974, announced award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Army - Vietnam, and its subordinate units during the period 20 July 1965 to 28 March 1973.

11. The applicant's records contain sufficient evidence to support additional awards not shown on his DD Form 214. His DD Form 214 for the period ending 10 November 1971 will be administratively corrected without Board action for these items.

12. By regulation (Army Regulation 635-5):

a. In item 12, enter last duty assignment and major command. There was no provision to enter either the MOS or specialty code designation or description in this block.

b. In item 24, enter from DA Form 20 all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

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

a. Regarding the Combat Infantryman Badge (CIB), to be awarded the CIB, the enlisted Soldier must be an infantryman satisfactorily performing infantry duties, he must be assigned to an infantry unit during such time as the unit is engaged in active ground combat, and he must actively participate in such ground combat. The evidence

shows the applicant held an infantry MOS; however, he was assigned to an aviation unit in Vietnam. Additionally, there is no evidence he was personally present and actively participating in ground combat while assigned or attached to an infantry unit during such time as the unit is engaged in active ground combat. The Board determined he does not meet the criteria for award of the CIB.

b. Regarding the Pathfinder Badge, the evidence shows the applicant completed this course and was awarded a special qualification identifier (11B2Y) to designate this qualification. Additionally, the Pathfinder Badge is already listed on his DD Form 214.

c. Regarding the Army Good Conduct Medal, the applicant served on active duty from 18 February 1970 to 10 November 1971, completing 1 year, 8 months, and 23 days of active-duty service. He attained the rank of E-4, had no lost time, and he received excellent conduct and efficiency ratings. There is no derogatory information in his available service record. The Board determined he met the criteria for award of the Army Good Conduct Medal (1st Award).

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. In addition to the correction addressed in Administrative Note(s) below the Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- awarding him the Army Good Conduct Medal (1st Award) for service during the period 18 February 1970 through 10 November 1971
- adding to his DD Form 214 the Army Good Conduct Medal (1st Award)

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 awarding him the Combat Infantryman Badge and adding the Pathfinder designation to his last duty station.



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(S):

A review of the applicant's record shows his DD Form 214, for the period ending 10 November 1971 is missing entries that do not require Board action. As a result, amend the DD Form 214 by adding the following entries to:

a. item 24:

- two bronze service stars to his previously issued Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

b. item 30 (Remarks), Vietnam Service – 21 November 1970 to 5 October 1971

REFERENCES:

1. Title 10, United States 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 672-5-1 (Awards), in effect at the time, stated 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; 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.

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.

3. U. S. Army Vietnam Regulation 672-1 (Decorations and Awards) governed the military awards program in Vietnam during the Vietnam War. It stated:

a. The Combat Infantryman Badge was authorized for award to an infantry officer, warrant officer, or enlisted man who satisfactorily performed duty while assigned as a member of an infantry regiment or infantry battalion during any period such unit was engaged in active ground combat. Commanding officers of infantry regiments and separate infantry battalions were the award authorities.

b. The Soldier must be an infantryman satisfactorily performing infantry duties, he must be assigned to an infantry unit during such time as the unit is engaged in active ground combat, and he must actively participate in such ground combat.

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

a. The Combat Infantryman Badge is awarded to infantry or special forces officers and enlisted and warrant officer persons who have an infantry or special forces military occupational specialties. 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. The unit in question must be a brigade, regiment, or smaller size.

b. Paragraph 6(c), one bronze service star is authorized with the Vietnam Service Medal for each campaign period during which a member was assigned or attached to and present for duty with a unit during the campaign period.

5. Army Regulation 635-5 (Separations Documents), in effect at the time, prescribed the separation documents that would be furnished each individual who is separated from the Army. It established standardized procedures for the preparation and distribution of these documents. All available records would be used as a basis for the preparation of the DD Form 214, including DA Form 20, and orders.

a. In item 23a (Specialty Number and Title) enter primary MOS code number, title, and date of award. If the specialty represented by the MOS has a related civilian

occupation, enter in item 23b the appropriate job title and code number from the Dictionary of Occupational titled. If not applicable, enter "NA."

b. For an enlisted Soldier, specify the first five characters of the MOS code (MOSC), which includes three characters of the MOS, the fourth character of skill and grade level in the MOS, and the fifth character of a special qualification identifier, if applicable. Enter "O" when not applicable. A single additional skill identifier may be listed immediately following the five-character MOSC.

c. In item 24 (Decoration, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized), enter from DA Form 20 all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

d. In item 30 (Remarks) enter inclusive dates of service in Vietnam during current period of service.

6. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register (January 1960 – February 1986)), in effect at the time, does not show that the Headquarters, Headquarters Company, 14th Combat Aviation Battalion, 23rd Infantry Division, Pathfinder Detachment received any unit citations or commendations.

7. Army Regulation 611-201 (Personnel Selection and Classification – Enlisted Career Management Fields and Military Occupational Specialties), in effect at the time, provided guidance and structure for selection and classification of enlisted career fields. The enlisted MOS chart provided the special qualification identifier "Y" corresponded to "Pathfinder."

//NOTHING FOLLOWS//