

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 January 2024

DOCKET NUMBER: AR20230006582

APPLICANT REQUESTS: reconsideration of his earlier request for award of the Combat Infantryman Badge (CIB) and correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show it.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record), 28 March 2023.

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 AR20110012983 on 15 December 2011.
2. The applicant states, in effect, he was boots on the ground in Vietnam and was awarded a Bronze Star Medal
3. He provided his applicant with a statement outlined above.
4. The applicant's records contain sufficient evidence to support additional awards an administrative correction not shown on his DD Form 214 for the period ending on 22 April 1972 and will be listed in administrative notes.
5. A review of the applicant's service records show:
 - a. On 2 March 1971, he was inducted into the Army of the United States; he completed Basic Combat Training and Advanced Individual Training, and he was awarded military occupational specialty 11C (Indirect Fire Crewman).
 - b. He served in Vietnam from 2 August 1971 to 20 April 1972 and he the highest grade he achieved was specialist 4/E-4.
 - c. His DA Form 20 (Enlisted Qualification Record) shows in:

(1) Item 29 (Qualification in Arms) – his weapons qualifications as Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16).

(2) Item 31 (Foreign Service) – 2 August 1971 to 20 April 1972.

(3) Item 38 (Record of Assignments) – he was assigned to:

- Company E, 4th Battalion, 31st Infantry, 196th Infantry Brigade from 18 August 1971 to 11 October 1971 as an ammunition bearer
- Company A, 2nd Battalion, 1st Infantry, 196th Infantry Brigade from 12 October 1971 to 18 April 1972 as a rifleman

(4) Item 41 (Awards and Decorations) – he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- one overseas service bar
- Bronze Star Medal

d. On 22 April 1972, he was honorably released from active duty. His DD Form 214 shows he completed 1 year, 1 month, and 21 days of total active service. It further shows in:

(1) Item 23a (Primary Specialty) – 11C10 (Indirect Fire Crewman).

(2) Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized):

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Bronze Star Medal

e. His records are void of orders awarding him the CIB.

6. In ABCMR Docket Number AR20110012983, 15 December 2011, the Board denied his request for the CIB, finding in the absence of awards or after-action reports, valor awards, witness statements, or any other evidence that conclusively showed he actively participated in ground combat while assigned to an infantry unit, there was insufficient evidentiary basis for granting this requested relief.

7. By regulation (AR 672-5-1), the three requirements for award of the Combat Infantryman Badge: the Soldier must be an infantryman satisfactorily performing infantry duties; the Soldier must be assigned to an infantry unit during such time as the unit is engaged in active ground combat; and the Soldier must 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 a portion of relief was warranted. The Board carefully considered the applicant's contentions, the military record, and regulatory guidance. The Board recognized the applicant's MOS and period of service in Vietnam. However, documentation available for review does not reveal sufficient evidence nor was any provided with his application to conclusively determine that he participated in active ground combat while assigned to an infantry unit and a recommendation for relief is not warranted.
2. Upon further review, the Board found sufficient evidence to grant an award not otherwise requested. Based on the documentation available for review, the Board found that as he received "excellent" conduct and efficiency ratings throughout his service and, in the absence of evidence that would otherwise make him ineligible, his record should be corrected show the award of the Army Good Conduct Medal.
3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

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 the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by awarding him the Army Good Conduct Medal (1st Award) for exemplary service from 2 March 1971 to 22 April 1972 and adding the award in block 24 (Decorations, Medals, Badges, Commendation and Campaign Ribbons Awarded or Authorized).

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 amending the decision of the ABCMR set forth in Docket Number AR20110012983 on 15 December 2011.

█

█ █

█

█

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): The applicant's records contain sufficient evidence to support additional awards not shown on his DD Form 214. His DD Form 214 will be administratively corrected without Board action to show award of the:

- three bronze service stars to his previously-issued Vietnam Service Medal

- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)

REFERENCES:

1. 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 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.
2. Army Regulation 600-8-22 (Military Awards), provides, the CIB 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. For example, personnel possessing an infantry military occupational specialty in a rifle squad of a cavalry platoon in a cavalry troop would be eligible for award of the CIB. Battle or campaign participation credit alone is not sufficient; the unit must have been in active ground combat with the enemy during the period. Personnel with other than an infantry or special forces military occupational specialties are not eligible, regardless of the circumstances.
3. U.S. Army Vietnam Regulation 672-5-1 (Decorations and Awards) and Awards), in effect at the time, prescribed policies, responsibilities, and criteria in order to insure prompt and proper recognition of individuals. It provided instruction for award of the CIB during the Vietnam era. Appendix V stated the CIB was awarded only to enlisted individuals who held and served in MOS 11B (Infantryman), 11C (Indirect Fire Infantryman), 11D (Armor Reconnaissance Specialist), 11F (Infantry Operations and Intelligence Specialist), 11G (Infantry Senior Sergeant), or 11H (Infantry Direct Fire Crewman).
4. DA PAM 672-3 (Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register (January 1960 – February 1986)) shows:
 - a. The applicant completed service in Vietnam during the following campaigns:
 - Consolidation I, 1 July 1971 – 30 November 1971
 - Consolidation II, 1 December 1971 – 29 March 1972
 - Vietnam CEASE-FIRE, 30 March 1972 – 28 January 1973

b. His unit 4th Battalion, 31st Infantry, was awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period 1 March 1971 to 9 October 1971, in Department of the Army General Orders (DAGO) Number 6 , 1974.

//NOTHING FOLLOWS//