

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 August 2024

DOCKET NUMBER: AR20230006619

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

- item 3 (Social Security Number): [REDACTED]
- item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):
 - Army Commendation Medal (ARCOM)
 - Air Medal (AM)
 - Combat Infantryman Badge (CIB)

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending 3 February 1971
- Social Security Card
- News Article

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 his social security number is incorrect and the newspaper article shows that he received the ARCOM, AM, and CIB; therefore, he would like his DD Form 214 to reflect as such.
3. The applicant provides:
 - a. DD Form 214 which shows he was inducted into the Army of the United States on 4 February 1969 and honorably transferred to the U.S. Army Reserve on 3 February 1971, under the provisions of Army Regulation (AR) 635-200 (Personnel Separations –

Enlisted Personnel), separation program number (SPN) 201, expiration of term of service. He competed 2 years of service this period, with 1 year and 26 days in the U.S. Army Republic of Vietnam. It also shows in:

- item 3 (Social Security Number) reflects his social security number as [REDACTED]
- item 24 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized):
 - National Defense Service Medal
 - Vietnam Service Medal
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
 - Purple Heart
 - Sharpshooter Marksmanship Qualification Badge with Machine Gun Bar (M-60)
 - Armed Forces Expeditionary Medal
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-16)

b. Social Security card, which reflects his social security number as [REDACTED]

c. News article (excerpt from unknown publication), dated 5 February 1970, states he was awarded the ARCOM, AM, and CIB.

4. The applicant's complete military records are not available to the Board for review. A complete and thorough search for his military records was conducted; however, they could not be located. This case is being considered based on the documents provided by the applicant. In addition, the applicant did not provide documentary evidence (i.e. recommendations for award or award certificates) in support of his claim.

5. Army Regulation (AR) 600-8-22 (Military Awards), prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. The goal of the total Army awards program is to foster mission accomplishment by recognizing excellence of both military and civilian members of the force and motivating them to high levels of performance and service.

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board found that partial relief was 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. Upon review of the applicants petition and available military records, the Board determined there is sufficient evidence to grant

partial relief. Based on this, the Board granted relief to correct the applicant's social security number as that reflected on his social security administration card.

2. The evidence of record shows the applicant held military occupational specialty (MOS) 11B (Infantryman) and was awarded the Purple Heart while serving in Vietnam. However, the Board determined he does not meet the criteria for award of the Combat Infantryman Badge as there is no evidence to support he was engaged in active ground combat.

3. Additionally, the record is void of documentation or evidence to support the applicant was recommended for or awarded the Army Commendation Medal or Army Achievement Medal. The Board denied relief to award the applicant these medals.

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 partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 3 February 1971 to amend his social security number to that reflect on his social security administration card.

2. The Board further determined that 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 award of the Combat Infantryman Badge, Army Commendation Medal, and Army Achievement Medal.

10/28/2024

X

CHAIRPERSON

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 (AR) 600-8-22 (Military Awards), prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. Paragraph 3-17 states, the Air Medal, established by Executive Order on 11 May 1942, is awarded to any person who, while serving in any capacity in or with the Army of the United States, has distinguished himself or herself by meritorious achievement while participating in aerial flight. Awards may be made to recognize single acts of merit or sustained operational activities against an armed enemy. The required achievement, while of lesser degree than that required for the award of the Distinguished-Flying Cross, must nevertheless have been accomplished with distinction above and beyond that normally expected.

b. Paragraph 3-19b states, the Army Commendation Medal is awarded to any Servicemember of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service.

c. Paragraph 8-6b 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). On or after 18 September 2001, a Soldier must be an Army infantry or special forces officer (SSI 11 or 18) in the grade of colonel or below, or an Army enlisted Soldier or warrant officer with an infantry or special forces MOS, who has satisfactorily performed duty while assigned or attached as a member of an infantry, ranger or special forces unit of brigade, regimental, or smaller size during any period such unit was engaged in active ground combat, to close with and destroy the enemy with direct fires.

//NOTHING FOLLOWS//