

IN THE CASE OF: ██████████

BOARD DATE: 10 January 2024

DOCKET NUMBER: AR20230006774

APPLICANT REQUESTS: reconsideration of his previous request for 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.

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

- Request for Reconsideration
- Buddy Statement
- Picture

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 AR20200003850 on 24 November 2020.

2. The applicant states he was surprised and disheartened by the Board's decision not to correct his records to add the Combat Infantryman Badge (CIB). He spent his entire tour in Vietnam with A Company, 1st Battalion 7t1, Cavalry Regiment, 1st Cavalry Division and saw combat. During his research, he found that there were other infantrymen who successfully requested corrections to their records to add the CIB. Please note the cases below:

- AR20002082720 CONCLUSION Paragraph 2
- AR2003091787 DISCUSSIONS and CONCLUSION Paragraph 2
- AR20130006903 DISCUSSIONS and CONCLUSION Paragraph 2

a. In addition, he has enclosed a supporting statement from a fellow infantryman, Sergeant (SGT) ██████████, with whom he served. They were in the same platoon and were involved in the same combat action. He also included a copy of an excerpt from an article in the ██████████, dated October 5, 2014, entitled "Camden School's Vietnam Letters Among Items Headed to Smithsonian," showing a photograph taken by ██████████ in which he is in the middle of the 2nd row, 4th from the left and the right.

b. While the Board is asking for specific dates, it should be noted that it is difficult for a soldier in combat to keep track of dates, and therefore, he does not have specific dates for his time in combat. Nonetheless, he participated in combat just as those cited above who requested their CIB and finally received the award to which they were entitled.

3. Review of the applicant's service records shows:

a. The applicant was inducted into the Army of the United States on 12 April 1967. He completed training and was awarded military occupational specialty (MOS) 11C, Infantry Indirect Fire Crewmember.

b. He served in Vietnam from 21 September 1967 to 23 September 1968, through 4 campaigns, while assigned to Company A, 1st Battalion, 7th Cavalry Regiment, 1st Cavalry Division.

c. Item 41 (Awards and Decorations) of his DA Form 20 (Enlisted Qualification Record) does not show the Combat Infantryman Badge. It shows the: National Defense Service Medal, Republic of Vietnam Campaign Medal with Device (1960), Vietnam Service Medal, Bronze Star Medal, Air Medal, and 2 overseas service bars.

d. He was honorably released from active duty on 20 January 1969. His DD Form 214 shows in item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) –

- National Defense Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Vietnam Service Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- Bronze Star Medal
- two overseas service bars
- Air Medal

4. His service record does not contain special orders awarding him the Combat Infantryman Badge.

5. On 24 November 2020, the Board considered his case regarding the CIB:

a. 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. The applicant's record is void orders showing he was awarded the CIB. In addition, the applicant did not provide evidence that shows he engaged enemy hostile forces on a

specific date while in Vietnam. The Board determined there is insufficient evidence to grant relief.

b. Prior to closing the case, the Board recommended the administrative correction regarding other awards be completed to depict the applicant's military service more accurately.

6. As a result of the Board's partial relief, on 12 January 2023, the applicant was issued a DD Form 215 (Correction to DD Form 214) that added awards of the:

- Vietnam Service Medal with four bronze service stars
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Army Valorous Unit Award
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
- Expert Marksmanship Qualification Badge with Mortar Bar (80mm)
- Marksman Marksmanship Qualification Badge with Pistol Bar (.45 caliber)

7. The applicant provides a buddy statement from SGT [REDACTED] who states this letter is to confirm that [Applicant] served in A Company, 1st Battalion, 7th Cavalry Regiment 1st Air Cavalry Division Airmobile in Vietnam from September 1967 to September 1968 with him. They were involved in many battles in places like the Central Highlands and the I Corps Area. The A Shau Valley, Hue, and Khe Sanh along with many operations along the coast or in the mountainous jungle were where we saw action. He does not remember where they were during the Tet Offensive. He was friends with the applicant and often shared the same foxhole and hootch. The applicant was a tough brave trooper, and he can attest he served with honor for his full tour of duty.

8. The applicant provides reference to three ABCMR cases as follows:

a. ABCMR Docket Number AR20002082720, 11 September 2003. The Board concluded that the applicant was an infantryman in the 2nd Battalion, 7th Cavalry Regiment from mid-December 1967 to February 1968. From his initial assignment to 21 January 1968, the applicant's unit participated in Operation Pershing. Then in late January 1968, the enemy launched the Tet Offensive, a major effort to overrun South Vietnam. Some 7,000 enemy, primarily well equipped, North Vietnam Army regulars blasted their way into the imperial city of Hue and Quang Tri, the capital of Vietnam's northern most province. The applicant's unit was committed and by 1 February 1968, Quang Tri was liberated, followed by Hue. The Board accepts that the applicant must have served in active ground combat during this period and is, therefore, entitled to award of the CIB.

b. ABCMR Docket Number AR2003091787, 29 April 2004, the Board concluded that the applicant held MOS 11B, Light Weapons Infantryman, and served in Vietnam

from August 1967 to August 1968, assigned to Company D, 2nd Battalion, 12th Infantry Regiment, 25th Infantry Division. The Board concluded that based on the available records, the applicant meets the criteria required by AR 600-22-8 and is qualified for the award of the CIB. Additionally, the fact his unit was awarded the Valorous Unit Award during the time frame he was assigned to the Republic of Vietnam adds credibility he was engaged in combat at the time. Therefore, he is entitled to correction of his records to show award of the CIB.

c. ABCMR Docket Number AR20130006903, 23 January 2014, the Board concluded that the applicant held MOS 11C. He was assigned to duty in Vietnam with Company C, 5th Battalion, 12th Infantry, 199th Infantry Brigade, from 14 September 1969 to 29 August 1970. An undated document entitled "Participation in Cambodia Campaign" signed by the applicant's battalion commander shows the applicant's name listed as having participated in the U.S. Armed Forces campaign in Cambodia during the period 12 May to 25 June 1970. During his tour in Vietnam, he participated in operations in Cambodia during a period that coincides with the period for which his unit was awarded the VUA. Further, his former platoon leader endorses awarding him the CIB. It is reasonable to presume that he was present for duty with his unit when the unit was engaged in active ground combat and that he actively participated in the ground combat. Therefore, it would be appropriate to award him the CIB and correct his DD Form 214 to show this badge.

9. The Under Secretary of Defense issued a memorandum on 20 July 2018 providing guidance in determining if relief is warranted for applicants to the Boards based on equity, injustice, or clemency. The guidance stipulated that each case would be assessed on its own merits.

10. By regulation, there are basically three requirements for award of the Combat Infantryman Badge. 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.

BOARD DISCUSSION:

1. 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 and standard review based on law, policy and regulation. One potential outcome was to grant relief based on the applicant's military occupational specialty (MOS) of 11C, Infantry Indirect Fire Crewmember. However,

upon further review of the applicant’s petition and available military records, the Board determined there is insufficient evidence to support the applicant met all the criteria for award of the combat infantryman badge (CIB). The Board noted, the applicant held the MOS of 11C, Infantry Indirect Fire Crewmember, however the record is absent evidence based on the regulatory guidance that the applicant was personally present and under hostile fire while serving in an assigned infantry or SF 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 MOS in a rifle squad of a cavalry platoon in a cavalry troop would be eligible for award of the CIB. Battle or CPC alone is not sufficient; the unit must have been in active ground combat with the enemy during the period.

2. The Board carefully considered the cases provided by the applicant but determined that those cases were considered on the individual merit of those applicant’s and do not influence the applicant’s fact and circumstances for his request of the CIB. The Board agreed the applicant does not meet the criteria based on regulatory guidance for award of the CIB. Therefore, the Board determined reversal of the previous Board decision is without merit and denied relief.

3. The Board noted, In developing the CIB, the War Department did not dismiss out of hand or ignore the contributions of other branches. Their vital contributions to the overall war effort were certainly noted, but it was decided that other awards and decorations were sufficient to recognize their contributions. From the beginning, Army leaders have taken care to retain the badge for the unique purpose for which it was established and to prevent the adoption of any other badge, which would lower its prestige. At the close of World War II, the largest war in which the armor and artillery played key roles in the ground campaigns, a review was conducted of the CIB criteria with consideration being given to creating either additional badges or authorizing the badge to cavalry and armor units. The review noted that any change in policy would detract from the prestige of the badge.

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:

The Board found 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 to amend the decision of the ABCMR set forth in Docket Number AR20200003850 on 24 November 2020.

2/18/2024

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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. 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). 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.
2. 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). They must have served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or smaller size. U.S. Army Vietnam Regulation 672-1 (Decorations and Awards) provided for award of the Combat Infantryman Badge to infantry personnel who were members of infantry platoons and squads in armored cavalry squadrons and regiments.

//NOTHING FOLLOWS//