

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 January 2024

DOCKET NUMBER: AR20230007021

APPLICANT REQUESTS: in effect:

- award of the Combat Infantryman Badge
- personal, telephone, or video 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

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. A review of the applicant's record shows several unit awards are missing from the applicant's DD Form 214; these awards will be addressed through administrative correction without action by the Board.
3. The applicant states, in effect –
 - a. He met all the qualifications for award of the Combat Infantryman Badge in accordance with Title 10, Code of Federal Regulation, section 578.69. However, his DD Form 214 does not list a Combat Infantryman Badge. He contends that his Republic of Vietnam (RVN) unit prepared his uniform, complete with decorations and medals, for Rest & Recouperation in February 1969 and again for his exit from the RVN in July 1969. In both cases, his uniform included a Combat Infantryman Badge.

b. He did his job, and he was the best point man in his platoon. As a combat Soldier, being awarded the Combat Infantryman Badge means the most to him. In 2016, for the first time, he attended a 173rd Airborne Brigade reunion at Fort Benning, Georgia. A squad mate gave him a hat embroidered with the name of his unit, the initials "Combat Infantryman Badge," and Paratrooper wings. He held on to the hat, but never put it on because he is not a poseur. Three books have been published by members of his company about their time in the RVN during the period 1968-1969. Two were written by his squad mates and discuss the combat-action he was part of, and he is named in the book.

4. The record shows that the applicant was inducted into the Army of the United States on 7 December 1967. He was awarded the military occupational specialty 11B, light weapons infantryman.

5. His DA Form 20, Enlisted Qualification Record, shows he received all excellent conduct and efficiency ratings and contains the following entries/information -

- Items 31 (Foreign Service) and 38 (Record of Assignments) show he served the RVN from 16 June 1968 to 9 July 1969 and he was assigned to the following units:
 - Company C, 1st Battalion, 503rd Infantry, 173rd Airborne Brigade, RVN, as a rifleman
 - the "USARV, PNT C&S Company, 67th Evac," RVN from 24 October 1968 to 9 November 1968 as a patient
 - Company C, 1st Battalion, 503rd Infantry, 173rd Airborne Brigade, RVN, from 10 November 1968 to 5 July 1969 as a rifleman, grenadier, and team leader
- Item 40 (Wounds) he sustained a combat injury (punji stake wound right leg) on 4 February 1969

6. General Orders Number 463, 22 February 1969, published by Headquarters, 173rd Airborne Brigade, awarded the applicant the Purple Heart for wounds received in connection with military operations against a hostile force on 4 February 1969.

7. The applicant was honorably released from active duty on 10 July 1969. His DD Form 214 shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Parachutist Badge
- Vietnam Campaign Medal
- Air Medal

- Purple Heart
- Army Commendation Medal
- Bronze Star Medal (Oak Leaf Cluster)
- 2 Overseas Bars
- Sharpshooter Marksmanship Qualification Badge (M14)
- Marksman Marksmanship Qualification Badge (M16)
- Sharpshooter Marksmanship Qualification Badge (M60)

8. By regulation the Combat Infantryman Badge is awarded to infantry officers and to enlisted and warrant officers who have an infantry MOS. They must have served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or smaller size.

9. A review of the applicant's record shows the applicant received all "excellent" conduct and efficiency ratings and there is no evidence he of any convictions by a court-martial. Additionally, he received an honorable character of service and there is no evidence to suggest he was disqualified for consideration of the Army Good Conduct Medal (1st Award),

10. 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.

BOARD DISCUSSION:

1. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient 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.

2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's contentions, the military record, and regulatory guidance. Documentation available for review shows the applicant held the military occupational specialty (MOS) 11b (Infantry) and in reviewing awards received and the circumstances under which the applicant received those awards, the Board concluded that the applicant met the requirements for the award of the Combat Infantry Badge and a correction to his record is warranted.

2. 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:

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 amending the applicant's DD Form 214 to show in item 24 (Decorations, Medals, Badges, Citations and Campaign Ribbons, Awarded or Authorized):

- Combat Infantry Badge
- Vietnam Service Medal with Silver Service Star
- RVN Gallantry Cross with Palm Unit Citation
- RVN Civil Actions Honor Medal First Class
- Army Good Conduct Medal

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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(S): The applicant is authorized additional awards based his foreign service in the RVN. Correct his DD Form 214, ending 6 September 1968 by deleting the Vietnam Service Medal, and adding the –

- Vietnam Service Medal with Silver Service Star
- RVN Gallantry Cross with Palm Unit Citation
- RVN Civil Actions Honor Medal First Class

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 Army Board of Correction of Military Records 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. Title 32, Code of Federal Regulation, National Defense, section 578.69, Combat Infantryman Badge, contains the specific eligibility requirements for award of the Combat Infantryman Badge.

a. There are basically three requirements for award of the Combat Infantryman Badge:

(1) The Soldier must be an infantryman satisfactorily performing infantry duties.

(2) Must be assigned to an infantry unit during such time as the unit is engaged in active ground combat.

(3) Must actively participate in such ground combat. (Campaign or battle credit alone is not sufficient for award of the Combat Infantryman Badge.)

b. The specific eligibility criteria for the Combat Infantryman Badge requires that:

(1) 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 Military Occupational Specialties (MOS), who, subsequent to December 6, 1941, 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. Eligibility for Special Forces personnel in MOS 18B, 18E, 18F, and 18Z (less Special Forces medical sergeant) accrues from December 20, 1989. Retroactive awards of the Combat Infantryman Badge to Special Forces personnel are not authorized prior to December 20, 1989.

(2) 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 can be of any size smaller than brigade. 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 Combat Infantryman Badge. Battle or campaign participation credit alone is not sufficient; the unit must have been in active ground combat with the enemy during the period.

(3) Personnel with other than an infantry or Special Forces MOS are not eligible, regardless of the circumstances. The infantry or Special Forces SSI or MOS does not necessarily have to be the Soldier's primary specialty, as long as the Soldier has been properly trained in infantry or Special Forces tactics, possesses the appropriate skill code, and is serving in that specialty when engaged in active ground combat as described above. Commanders are not authorized to make any exceptions to this policy.

(4) Awards will not be made to general officers or to members of headquarters companies of units larger in size than brigade.

3. U.S. Army Vietnam Regulation 672-1, Awards and Decorations, in effect at the time, stated that criteria for award of the Combat Infantryman Badge identified the man who trained, lived, and fought as an infantryman and that the Combat Infantryman Badge was the unique award established to recognize the infantryman and only the infantryman for his service. Further, "the Combat Infantryman Badge is not an award for being shot at or for undergoing the hazards of day to day combat." This regulation also stated the Combat Infantryman Badge was authorized for award to infantry officers, to enlisted personnel, and to warrant officers who had an infantry specialty/MOS and required that they must have served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or smaller size. Appendix V of this regulation stated 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.

4. 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; 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.

5. The Vietnam Service Medal is awarded to all members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through 28 March 1973. A bronze service star will be awarded for wear on the Vietnam Service Medal for participation in each credited campaign. A silver service star is authorized in lieu of five bronze service stars. The applicant participated in the following 5 campaigns:

- Vietnam Counteroffensive, Phase IV, 2 April 1968 -30 June 1968
- Vietnam Counteroffensive, Phase V, 1 July 1968 – 1 November 1968
- Vietnam Counteroffensive, Phase VI, 2 November1968 – 22 February 1969
- TET 69 Counteroffensive, 23 February 1969 – 8 June 1969
- Vietnam Summer-Fall 1969, 9 June 1969 – 31 October 1969

6. Department of the Army Pamphlet 672-3, Unit Citation and Campaign Participation Credit Register, lists the awards received by units serving in Vietnam. This pamphlet shows the 1st Battalion, 503rd Infantry was cited for award of the:

a. Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period 5 May 1965 to 26 September 1970 by Department of the Army General Order (DAGO) Number 51, 1971.

b. Republic of Vietnam Civil Actions Unit Citation, First Class for the period 15 April 1969 to 16 March 1971 by DAGO 5, 1973.

7. 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. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//