

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 January 2024

DOCKET NUMBER: AR20230007380

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of: Purple Heart (PH) and Combat Infantryman Badge (CIB)

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

- DD Form 149 (Application for Correction of Military Record), 4 April 2023
- General Orders (GO) Number 69, Headquarters (HQ), 91st Evacuation Hospital (SMBL), 19 March 1970
- DA Form 4980 (Purple Heart Certificate), 19 March 1970

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 he earned these medals for combat action in Vietnam on 18 March 1970. He provided orders and a certificate for the PH.
3. He provided copies of:
 - a. GO Number 69, issued by HQ, 91st Evacuation Hospital (SMBL) (Semi-Mobile), dated 19 March 1970, awarding him the PH for a date of action of 18 March 1970.
 - b. DA Form 4980 (Purple Heart Certificate), dated 19 March 1970.
4. The applicant's records contain, or the applicant provided sufficient evidence to support additional awards not shown on his DD Form 214 for the period ending on 15 March 1971, and will be listed in administrative notes.
5. The Board will consider the applicant's request for award of the CIB and as a new issue, his authorization for award of the Army Good Conduct Medal (AGCM) (First Award) for the period 10 June 1969 to 15 March 1971.

6. A review of the applicant's service records shows:

a. On 10 June 1969, he was inducted into the Army of the United States. He completed Basic Combat Training, he completed Advanced Individual Training, and he was awarded military occupational specialty 11B (Light Weapons Infantryman).

b. Special Orders issued by HQ, US Army Training Center, Infantry and Fort Polk, awarded him: Expert Marksmanship Qualification Badge with Machine Gun Bar (M-60), Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)

c. He served in Vietnam from 2 December 1969 to 16 April 1970.

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

(1) item 29 (Qualification in Arms) – his weapons qualifications, and qualification classes as: Expert Marksmanship Qualification Badge with Machine Gun Bar (M-60) and Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16) and Rifle Bar (M-14)

(2) item 31 (Foreign Service) – Vietnam 2 December 1969 to 16 April 1970

(3) item 33 (Appointments and Reductions) – no reductions.

(4) item 38 (Record of Assignments) – he received all "excellent" conduct and efficiency ratings and he was assigned to: Company D, 3d Battalion, 1st Infantry Regiment, 11th Infantry Brigade.

(5) item 40 (Wounds) – gunshot wound (L) arm and (L) chest, 18 March 1970.

(6) item 41 (Awards and Decorations) – he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Bronze Star Medal
- Expert Marksmanship Qualification Badge with Rifle Bar (M-60)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

(7) item 44 (Lost Time Under section 972, Title 10, United States Code, and Subsequent to Normal Date Expiration of Term of Service) – no entries.

e. On 15 March 1971, he was honorably released from active duty. His DD Form 214 shows in:

- (1) item 22a(1) (Net Service This Period) – 1 year, 9 months, and 6 days.
- (2) item 23a (Specialty Number and Title) – 11B20 (Light Weapons Infantryman).
- (3) item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized): National Defense Service Medal, Bronze Star Medal, Vietnam Service Medal with one bronze service star, Republic of Vietnam Campaign Medal with Device (1960)
- (4) item 26a (Non-Pay Periods Time Lost) – none.
- (5) Item 30 (Remarks) – no entries showing court-martial convictions.

f. His records are void of any disciplinary actions or a commander's disqualification for award of the AGCM (First Award) for the period 10 June 1969 to 15 March 1971. His records are also void of orders awarding him the CIB.

7. By regulation U.S. Army Vietnam Regulation 672-5-1 (Decorations and Awards), the AGCM was awarded for each 3 years of continuous enlisted active Federal military service, 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.

8. By regulation U.S. Army Vietnam Regulation 672-5-1 (Decorations and Awards), 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.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. The evidence of record shows the applicant held an infantry MOS and was assigned to an infantry unit in Vietnam. He was wounded as a result of hostile action on 18 March 1970 when he received gunshot wound to his left arm and left chest. The Board determined there is sufficient evidence to show he served in active ground combat while assigned or attached to an infantry, ranger, or special forces unit of brigade, regimental, or smaller size, and that he met the criteria for award of the CIB.

b. Regarding the Army Good Conduct Medal, the applicant served on active duty from 10 June 1969 to 15 March 1971, completing 1 year, 9 months, and 6 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:

Mbr 1 Mbr 2 Mbr 3

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:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

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

- awarding him the Combat Infantryman Badge for service/engaging the enemy in Vietnam on 18 March 1970
- awarding him the Army Good Conduct Medal (1st Award) for service during the period 10 June 1969 to 15 March 1971
- adding to his DD Form 214 the Combat Infantryman Badge and Army Good Conduct Medal (1st Award)

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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'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:

- Purple Heart
- one bronze service star to his previously-issued Vietnam Service Medal with one bronze service star
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Expert Marksmanship Qualification Badge with Rifle Bar (M-60)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16) and Rifle Bar (M-14)

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 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.

3. 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 Army Good Conduct Medal is awarded to on a selective basis to each Soldier who distinguishes himself or herself from among his or her fellow Soldiers by exemplary conduct, efficiency, and fidelity throughout a specified period of continuous enlisted active Federal military service. There is no right or entitlement to the medal until the immediate commander has approved the award and the award has been announced in permanent orders.

(1) The periods of service of qualifying service are: (1) each 3 years completed on or after 27 August 1940; (2) for the first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; (3) 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; (4) for the first award only, upon termination of service on or after 27 June 1950 of less than 1 year when final separation was by reason of physical disability incurred in line of duty; or (5)

for the first award only, for those individuals who died before completing 1 year of active Federal military service or if the death occurred in the line of duty.

(2) Throughout a qualifying period of service, the enlisted Soldier's character must have been above reproach and must meet all of the following criteria for award of the Army Good Conduct Medal as indicated in the Soldier's record: willingly complied with the demands of the military environment, been loyal and obedient to his or her superiors, faithfully supported the goals of his or her organization and the Army, and conducted himself or herself in an exemplary manner as to distinguish him or her from fellow Soldiers.

b. The Vietnam Service Medal was awarded to all service members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through 28 March 1973. Qualifying service included attachment to or assignment for 1 or more days with an organization participating in or directly supporting military operations. One bronze service star is authorized with the Vietnam Service Medal for each campaign during which a member was assigned or attached to and present for duty with a unit during the period in which it participated in combat or was under orders in the combat zone and served at a normal post of duty.

c. 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.

4. U.S. Army Vietnam Regulation 672-5-1 (Decorations and Awards), in effect at the time, reads: the Army Good Conduct Medal (AGCM) was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940; for the 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. U.S. Army Vietnam Regulation 672-5-1 (Decorations and Awards) provided 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).

6. DA PAM 672-3 (3 (Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register (January 1960 – February 1986)) shows:

a. Second Battalion, 1st Infantry was awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation in Department of the Army General Orders Number 41, 1971, for the period 31 March to 30 June 1970.

b. the applicant completed service in Vietnam during the following campaigns:

- Vietnam Winter-Spring 1970, 1 November 1969—30 April 1970
- DA Sanctuary Counteroffensive, 1 May 1970 – 30 June 1970

//NOTHING FOLLOWS//