

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 March 2024

DOCKET NUMBER: AR20230007528

APPLICANT REQUESTS: on behalf of her deceased husband, a former service member (FSM), correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 21 May 1971 to show award of the Combat Infantryman Badge (CIB).

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

- DD Form 149 (Application for Correction of Military Record)
- Marriage Certificate, [REDACTED]
- Vietnam Combat Certificate
- Certificate of Death, [REDACTED]

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, in effect, she is requesting that the CIB be added to the FSM's discharge paperwork and file. It was a clerical error, and the award was never put in his records. His record has radio repairman, which he was, but he was in the field as the commander's radio man.
3. The applicant provides the following:
  - a. A marriage certificate showing the relationship between the FSM and the applicant, dated [REDACTED]
  - b. A Vietnam Combat Certificate, which states the FSM faithfully served his country with Headquarters and Headquarters Company (HHC) of 1st Battalion, 11th Infantry, 1st Infantry Brigade, 5th Infantry Division (Mechanized) in the Republic of Vietnam during the period 27 June 1969 to 22 June 1970.

c. A Certificate of Death, dated [REDACTED]

4. A review of the FSM's record shows the following:

a. He was inducted into the Army of the United States on 15 May 1968 and honorably discharged on 21 May 1968 for immediate enlistment in the Regular Army on 22 May 1968.

b. He completed training and he was awarded military occupational specialty (MOS) 31B (Field Radio Mechanic).

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

- Item 22 (MOSs) – 31B, Field Radio Mechanic
- Item 31 (Foreign Service) shows he served in Vietnam from 26 June 1969 to 25 June 1970
- Item 38 (Record of Assignments) shows during his service in Vietnam he was assigned to:
  - Company C, 1st Battalion, 11th Infantry, 1st Brigade, 5th Infantry Division as a Field Radio Mechanic, in duty MOS 31B.
  - HHC, 1st Battalion, 11th Infantry, 1st Brigade, 5th Infantry Division (Mechanized) as a Field Radio Mechanic, in duty MOS 31B.
- Item 41 (Awards and Decorations) does not list award of the CIB.

5. He was honorably released from active duty and transferred to the U.S. Army Reserve on 21 May 1971. Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) of his DD Form 214 does not show he was awarded the CIB.

6. There are no documents or orders in the FSM's record that indicate he was recommended for or awarded the CIB or that he held an infantry MOS at any time during his period of service. Army Regulation 672-5-1 (Awards), then in effect, contained no provisions for awarding the CIB to enlisted Soldiers in infantry units who did not hold an infantry MOS. The regulation further made clear that, in addition to holding an eligible MOS, there must have been evidence of the Soldier's participation in active ground combat.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.
2. Although the FSM's record does not show he held an infantry MOS at any time during his service in Vietnam, the Board found the Vietnam Combat Certificate provided by the applicant sufficient as a basis for establishing that the FSM would have performed infantry duties in combat during his assignment with 1st Battalion, 11th Infantry. Based on this evidence, the Board determined the FSM's record should be corrected to show he was awarded the CIB.
3. The Board concurred with the corrections described in Administrative Note(s) below.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
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█	█	█	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 the Army records of the individual concerned be corrected by awarding him the CIB, adding the CIB to his DD Form 214, and making the corrections described in Administrative Note(s) below.

X	
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CHAIRPERSON

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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): Make the following corrections to the FSM's DD Form 214 for the period ending 21 May 1971:

- a. Item 24: add – Republic of Vietnam Gallantry Cross with Palm Unit Citation
- b. Item 30 (Remarks):
  - Delete 26 January 1969 – 25 January 1970
  - Add 26 June 1969 – 25 June 1970

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 600-8-22 (Military Awards), currently in effect, prescribes Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards. It states:

a. A Soldier must meet the following three requirements to be eligible for award of the Combat Infantryman Badge (CIB):

(1) Be an Infantry Soldier satisfactorily performing infantry duties. A Soldier must be an Army infantry or Special Forces (SF) officer (CMF or AOC 11 or 18) in the grade of COL/O-6 or below, or an Army enlisted Soldier or warrant officer with an infantry or SF MOS who, subsequent to 6 December 1941, has satisfactorily performed duty while assigned or attached as a member of an infantry, ranger, or SF unit of either a brigade, regimental, or smaller size during any period such unit was engaged in active ground combat.

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

(3) Actively participate in such ground combat. Campaign or battle credit alone is not sufficient for award of the CIB.

b. To date, a separate award of the CIB has been authorized for qualified Soldiers in the following qualifying periods: Vietnam Conflict and other operations (2 March 1961 to 10 March 1995). Republic of Vietnam Conflict (2 March 1961 to 28 March 1973).

3. Army Regulation 672-5-1 (Awards), in effect at the time, stated to be eligible for the CIB, an individual must have been an infantry officer in the grade of colonel or below, or an enlisted man or a warrant officer with an infantry MOS, who subsequent to 6 December 1941 satisfactorily performed duty while assigned or attached as a member of an infantry unit of brigade, regimental or smaller size during any period such unit was engaged in active ground combat. Battle participation credit alone was not sufficient; the unit must have been in active ground combat with the enemy during the period. Awards may be made to assigned members of ranger infantry companies as signed or attached to tactical infantry organizations. They may also be made to members of the U.S. Army who are colonels or below and were assigned under appropriate orders for service in Republic of Vietnam.

//NOTHING FOLLOWS//