

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 27 February 2024

DOCKET NUMBER: AR20230007883

APPLICANT REQUESTS: 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 (CIB).

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

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 reviewed his DD Form 214, and he is authorized the CIB. The badge was left off his DD Form 214. He served in Vietnam, and he received the Purple Heart and the Bronze Star Medal with "V" Device.
3. A review of the applicant's service record shows:
 - a. He was inducted into the Army of the United States on 24 May 1967. He completed training and he was awarded military occupational specialty (MOS) 11B (Light Weapon Infantryman).
 - b. DA Form 20 (Enlisted Qualification Record) contains the following information:
 - Item 31 (Foreign Service) shows service in the U.S. Army Pacific – Vietnam (USARPAC) from 15 November 1967 to 20 April 1968
 - Item 38 (Record of Assignments) shows during his time in service he was assigned to:
 - 25 November 1967, Company C, 2nd Battalion, 22nd Infantry, 25th Infantry Division, Vietnam, Assistant Machine Gunner, duty MOS 11B
 - 9 May 1968, patient, 7th Field Hospital

- 28 May 1968, Headquarters Detachment, 3rd Brigade Combat Team, Fort Dix, NJ as the Colonel's Driver, duty MOS, 64B (Heavy Vehicle Driver) and as an Administrative Specialist, in duty MOS 71L.
- Item 41 (Awards and Decorations) does not list award of the CIB.

c. General Orders Number 2865, issued by Headquarters, 25th Infantry Division on 9 April 1968 awarded him the Bronze Star Medal with V Device. The citation reads:

For heroism in connection with military operations against a hostile force. [Applicant] distinguished himself by heroic actions on 1 January 1968, while serving with Company C, 2d Battalion, 22d Infantry at fire support base Burt in Tay Ninh Province, Republic of Vietnam. When the enemy launched a massive attack on the fire support base [Applicant] braved a hail of enemy fire several times to gather vital information concerning the status of the platoon's forward listening post. When the platoon sustained several casualties, [Applicant] volunteered his services as an M-60 machine gunner and accounted for at least four enemy dead within 10 meters of his position. [Applicant's] personal bravery and devotion to duty are in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit, the 25th Infantry Division, and the United States Army.

d. On 8 April 1968, the applicant was injured by a mine blast in Vietnam. He suffered a perforated left ear drum, no artery or nerve involvement. He was admitted to the 12th Medical Evacuation Hospital and later transferred to the 7th Field Hospital on 12 April 1968.

e. The applicant was honorably released from active duty and transferred to the U.S. Army Reserve on 23 May 1969. Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) of his DD Form 214 lists the following awards:

- National Defense Service Medal
- Good Conduct Medal
- Vietnam Service Medal
- Bronze Star Medal
- Expert Marksmanship Qualification Badge

f. On 28 February 2005, as a result of a previous Board decision, the U.S. Army Human Resources Command published Permanent Order 059-28 awarding him the Purple Heart for wounds received in action as a result of a hostile force in Vietnam on 8 April 1968.

g. On 14 March 1968, he was issued a DD Form 215 (Correction to DD Form 214), that corrected his DD Form 214 to show the applicant was awarded the:

- Bronze Star Medal with "V" Device
- Vietnam Service Medal with three bronze service stars
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation
- Purple Heart

4. There are no documents or orders in the applicant's record that indicate he was recommended for or awarded the CIB.

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. The evidence shows the applicant held an infantry MOS and was assigned to an infantry unit in Vietnam. Additionally, his award of the Bronze Star Medal with V Device clearly shows he was personally present and actively engaging the enemy on 1 January 1968, when his platoon sustained several casualties, he volunteered his services as an M-60 machine gunner and accounted for at least four enemy dead within 10 meters of his position. The Board determined he meets the criteria for award of the Combat Infantryman Badge.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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:	:	:	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 the applicant the Combat Infantryman Badge on 1 January 1968
- Adding the Combat Infantryman Badge to his DD Form 214

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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.

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 participating 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//