

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 October 2024

DOCKET NUMBER: AR20230008263

APPLICANT REQUESTS: correction of his records 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 served in combat in Vietnam.
3. The available record is minimal in its content and documentation of the applicant's service. It does not contain any orders for a CIB
4. The applicant was inducted into the Army of the United States on 18 July 1968 with a 2-year active-duty service obligation. He completed training with award of the military occupational specialty of 11E (Tank Driver). The highest grade he held was E-5.
5. The applicant's DA Form 20 (Enlisted Qualification Record) provides the following:
 - Service in Vietnam from 17 January 1969 through 14 February 1970 with H Company, 2nd Squadron, 11th Armored Cavalry Regiment
 - His duty assignments were as a tank gunner and driver
 - Service during one campaign period
 - His awards are listed as the:
 - National Defense Service Medal
 - Vietnam Service Medal
 - Republic of Vietnam Campaign Medal with Device (60)
 - Army Good Conduct Medal
 - Sharpshooter Qualification Badge with Rifle Bar

6. The applicant was released from active duty and transferred to the U.S. Army Reserve Control Group (Annual) on 15 February 1970. His DD Form 214 (Armed Forces of the United States - Report of Transfer or Discharge) shows the following:

- Separation in the grade of E-5
- An honorable characterization of service
- Award of the:
 - National Defense Service Medal
 - Vietnam Service Medal
 - Republic of Vietnam Campaign Medal with Device (60)
 - Army Good Conduct Medal

7. Department of the Army General Orders 8 of 1974 awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Army, Vietnam, and subordinate units for the period 20 July 1965 to 28 March 1973.

8. Based on his dates of service in Vietnam he is shown to have served during the following campaign periods:

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|------------------------------|------------------------------------|
| • Counteroffensive, Phase VI | 2 November 1968 - 22 February 1969 |
| • Tet 69/Counteroffensive | 23 February 1969 - 8 June 1969 |
| • Summer/Fall 1969 | 9 June 1969 - 31 October 1969 |
| • Winter/Spring 1970 | 1 November 1969 - 30 April 1970 |

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. Upon review of the applicants petition and available military records the Board determined the applicant did not meet the criteria per regulatory guidance for award of the combat infantryman badge. Per regulatory guidance, the applicant must have served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or smaller size, held and served in one of the following infantry MOS 11B, 11C, 11D, 11F, 11G, or 11H. Based on this, the Board found the applicant is not eligible for award of the combat infantryman badge and denied relief.

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:

<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:

Except for the correction addressed in Administrative Note(s) below, 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 for correction of the records of the individual concerned.

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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):

A review of the applicant's record shows his DD Form 214, for the period ending is missing an entry that does not require Board action. As a result, amend the DD Form 214 by:

- Deleting following entry from item 24 (Decoration, Medals, Badges, Citations, and Campaign Ribbons): the Vietnam Service Medal.
- Adding the following entries to item 24:

- Vietnam Service Medal with four bronze service stars,
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Sharpshooter Qualification Badge with Rifle Bar.

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. U.S. Army Vietnam (USARV) Regulation 672-1 (Awards), states the Combat Infantryman Badge is awarded to infantry officers, warrant officers, and enlisted 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.

//NOTHING FOLLOWS//