

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 8 March 2024

DOCKET NUMBER: AR20230008880

APPLICANT REQUESTS: correction of the former servicemember's (FSM) DD Form 214 (Certificate of Release or Discharge from Active Duty) to add the Combat Infantryman Badge.

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

- DD Form 149 (Application for Correction of Military Record)
- State of Hawaii Certificate of Live Birth
- Social Security Card
- Durable Power of Attorney
- Special Order Number 201, dated 20 July 1966
- DD Form 214, for the period ending 30 June 1986
- Code of Federal Regulations, Section 578.69 – Combat Infantryman Badge

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, daughter of the FSM, states she is requesting correction of his DD Form 214 to add the Combat Infantryman Badge.
3. The applicant provides:
 - a. State of Hawaii Certificate of Live Birth showing the FSM is her father.
 - b. A Social Security card issued to the applicant.
 - c. A Durable General Power of Attorney from the FSM, dated 7 February 2023, that legally allows the applicant to act on the FSM's behalf.

d. Special Order Number 201, issued by Headquarters, 1st Brigade, 101st Airborne Division, dated 20 July 1966, shows in:

- item 1: a servicemember, excluding the FSM, was awarded the Combat Infantryman Badge
- item 2: members, including the FSM, were reassigned
- item 3: members, excluding the FSM, were authorized hazardous duty
- item 4: orders previously awarding the Combat Infantryman Badge were revoked for members, excluding the FSM

e. An excerpt of Title 32, Section 578.69 that discusses the eligibility criteria for award of the Combat Infantryman Badge.

4. The FSM's records contain sufficient evidence to support additional awards not shown on his DD Form 214, for the period ending on 30 June 1986, and will be listed in the administrative notes. The Board will consider the applicant's request for correction of the FSM's DD Form 214 to show award of the Combat Infantryman Badge.

5. A review of the FSM's service record shows:

a. He entered active duty in the Regular Army on 12 June 1961.

b. DA Form 2-1 (Personnel Qualification Record – Part II) shows in:

(1) Item 5 (Oversea Service) lists two short tours and two long tours, to include Hawaii, Vietnam, Germany, and Korea.

(2) His Military Occupational Specialties (MOS) were recorded as:

- Proc Officer – 11 August 1965
- Maint Officer – 22 April 1967
- Parachutist – 22 April 1967

(3) On 18 May 1966 he was assigned to Headquarters and Headquarters Detachment, Support Battalion, 1st Brigade, 101st Airborne Division in the Republic of Vietnam until 9 November 1966.

(4) On 18 May 1966 he was assigned to Headquarters and Headquarters Detachment, Support Battalion, 1st Brigade, 101st Airborne Division in the Republic of Vietnam until 9 November 1966.

(5) On 10 November 1966 he was assigned to Company A, 801st Maintenance Battalion in the Republic of Vietnam until 6 July 1967.

(6) On 7 July 1977 he was assigned to Headquarters and Headquarters Company, I Corps in the Republic of Korea until 26 June 1978.

c. His military record contains neither the Certificate of Award nor corresponding orders for the Combat Infantryman Badge or the Korea Defense Service Medal.

d. On 30 June 1986, he retired from active duty with honorable characterization of service. His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 25 years and 19 days of active service. It also shows in Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized):

- Legion of Merit
- Bronze Star Medal
- Defense Meritorious Service Medal
- Meritorious Service Medal (2nd Oak Leaf Cluster)
- Joint Service Commendation Medal (1st Oak Leaf Cluster)
- National Defense Service Medal
- Vietnam Service Medal (3 Campaigns)
- Vietnam Campaign Medal
- Army Service Ribbon
- Overseas Service Ribbons (3 Awards)
- Republic of Vietnam Cross of Gallantry with Palm
- Parachute Badge

6. By regulation:

a. The Combat Infantryman Badge is awarded to infantry officers and to enlisted and warrant officer 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.

b. The Korea Defense Service Medal is authorized for award to members of the Armed Forces of the United States who have served on active duty in support of the defense of the Republic of Korea. The period of eligibility is 28 July 1954 to a date to be determined by the Secretary of Defense.

c. The Overseas Service Ribbon is awarded for successful completion of overseas tours. Numerals are used to denote the second and subsequent awards of the Overseas Service Ribbon.

7. Also, by regulation, the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered.
2. The Board determined the former service member (FSM) did not meet the regulatory requirements outlined for award of the Combat Infantryman Badge. Specifically, the Board noted the FSM did not hold an infantry military occupational specialty. The Board concurred the administrative note should be administratively corrected to show award of the Korea Defense Service Medal and Overseas Service Ribbon (4th Award); this constitutes the minority partial vote.

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:

Other than the corrections addressed in the Administrative Note below, the Board determined 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 otherwise insufficient as a basis for correction of the records of the individual concerned.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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 FSM's records shows he is authorized additional awards not listed on his DD Form 214 for the period ending 26 May 1981. As a result, amend his DD Form 214 to add in Item 13:

- Korea Defense Service Medal
- Overseas Service Ribbon (4th Award)

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 (AR) 600-8-22 (Military Awards) states:

a. the Combat Infantryman Badge is awarded to infantry officers and to enlisted and warrant officer 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.

b. the Korea Defense Service Medal is authorized for award to members of the Armed Forces of the United States who have served on active duty in support of the defense of the Republic of Korea. The period of eligibility is 28 July 1954 to a date to be determined by the Secretary of Defense.

c. the Overseas Service Ribbon was established by the Secretary of the Army on 10 April 1981. Effective 1 August 1981, all members of the Active Army, Army National Guard, and Army Reserve in an active Reserve status are eligible for the award for successful completion of overseas tours. The award may be awarded retroactively to those personnel who were credited with a normal overseas tour completion before 1 August 1981 provided they had an Active Army status on or after 1 August 1981. Numerals are used to denote the second and subsequent awards of the Overseas Service Ribbon.

3. AR 635-5 states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

//NOTHING FOLLOWS//