

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 March 2024

DOCKET NUMBER: AR20230008892

APPLICANT REQUESTS:

- reconsideration of his previous request for correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show:
 - Combat Infantryman Badge
 - Army Commendation Medal (3rd Award)
 - Bronze Star Medal (2nd Award)
- a copy of citations for the Army Commendation Medal second and third award

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Statement
- Two Letters of Support
- General Orders Number 16125, dated 13 December 1970
- Letter Awarding the Army Commendation Medal with bronze oak leaf cluster, dated 14 February 1972

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20220001085 on 25 March 2022.

2. The applicant states:

a. He has provided two letters of support from Lieutenant Colonel L____ and Staff Sergeant A____ attest that he was subjected to hostile fire on numerous occasions. Both letters clearly provide proof of his qualification for the Combat Infantryman Badge.

b. In his previous request for award of the Army Commendation Medal, the analyst was unable to find evidence of the award, even though he submitted the letter from the

Department of the Army, Office of the Adjutant General, dated 14 February 1972, offering a bronze oak leaf cluster to his Army Commendation Medal. The letter was ignored by the analyst and the Board and has been provided by the applicant with this request.

c. On appeal he submitted a copy of General Orders Number 7975 (Army Commendation Medal (1st Award), which was sufficient to prove award of the Army Commendation Medal and correct his record.

(1) In preparation for this appeal, he found a copy of General Order Number 16125, dated 13 December 1970, awarding him the Army Commendation Medal (2nd Award) and provided by the applicant with this request.

(2) In addition, the letter dated 14 February 1972, from the Adjutant General shows he was awarded the Army Commendation Medal (3rd Award). He would like his records updated to reflect this and a copy of the citations for the Army Commendation Medal second and third award.

d. In his previous request he stated that he was missing the Combat Infantryman Badge and the Army Commendation Medal (3rd Award) and provided proof. He earned a Bronze Star Medal (2nd Award), he cannot provide proof, but it is clear he was correct on all of the above awards. The other general orders existed, even though the analyst was unable to locate them. A thorough search needs to be done to find the general order.

3. On 20 August 1969, the applicant was inducted into the Army of the United States. He was trained in and awarded the military occupational specialty (MOS) of 11B (Light Weapons Infantryman).

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

a. Item 31 (Foreign Service) – service in Vietnam from 20 January 1970 to 7 December 1970, a period of 10 months and 18 days, through 3 campaigns.

b. Item 38 (Record of Assignments) – shows he served with Company B, 4th Battalion, 3rd Infantry, 11th Infantry Brigade, from 29 January 1970 to 29 May 1970; and Company E, 4th Battalion, 3rd Infantry, 11th Infantry Brigade, from 30 May 1970 to 6 December 1970.

c. Item 41 (Awards and Decorations) – National Defense Service Medal, Vietnam Service Medal, Bronze Service Medal, Expert Marksmanship Qualification Badge with Rifle Bar (M-16), and the Marksmanship Qualification Badge with Rifle Bar (M-14).

5. The applicant previously provided:

a. General orders Number 7975, issued by Headquarters, Americal Division, dated 4 July 1970, awarding him the Army Commendation Medal, for meritorious achievement in connection with military operations against a hostile force in Vietnam from 1 February 1970 to 31 May 1970.

b. General Orders Number 13725, issued by Headquarters, Americal Division, on 13 October 1970, awarding him the Bronze Service Medal for meritorious achievement in connection with military operations against a hostile force in Vietnam from 1 June 1970 to 30 September 1970. The citation shows:

[Applicant] distinguished himself by outstandingly meritorious achievement in support of military operations against communist aggression in the Republic of Vietnam. During the period 1 June 1970 to 30 September 1970, he consistently manifested exemplary professionalism and initiative in obtaining outstanding results. His rapid assessment and solution of numerous problems inherent in a combat environment greatly enhanced the allied effectiveness against a determined and aggressive enemy. Despite many adversities, he invariably performed his duties in a resolute and efficient manner. Energetically applying his sound judgment and extensive knowledge. He has contributed materially to the successful accomplishment of the United States mission in the Republic of Vietnam. His loyalty, diligence and devotion to duty were in keeping with the highest traditions of the military service and reflect great credit upon himself and the United States Army.

6. The applicant provides:

a. General Orders Number 16125, issued by Headquarters, Americal Division, dated 13 December 1970, awarding him the Army Commendation Medal (2nd Award), for meritorious achievement in connection with military operations against a hostile force in Vietnam from January 1970 to December 1970.

b. A letter, 14 February 1972, issued by the Office of the Adjutant General, U.S. Army Reserve Components Personnel and Administration Center, which advised him that the commander of the organization in which he served his active duty has awarded him the bronze oak leaf cluster to his Army Commendation Medal.

7. He was honorably released from active duty on 19 August 1971. His DD Form 214 shows he completed 2 years of active service. It also shows he was awarded or authorized:

- National Defense Service Medal
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
- Vietnam Service Medal
- Bronze Star Medal

8. On 3 August 2021, the applicant was issued a DD Form 215 (Correction to DD Form 214) which shows, in part, in item 24:

- Delete: Vietnam Service Medal
- Add: Army Good Conduct Medal, Republic of Vietnam Campaign Medal with Device (1960), Vietnam Service Medal with three bronze service stars, Vietnam Gallantry Cross with Palm Unit Citation

9. The applicant provides two reference letters that show the following:

a. A letter issued by Colonel (Retired), L____ shows in part he was assigned to the 4th Battalion, 3rd Infantry reconnaissance platoon (11th Brigade Americal Division) as the [applicant's] platoon leader. The [applicant] was the platoon point man, the most dangerous and demanding duty in an infantry unit in combat. While in the platoon they engaged the enemy on a number of occasions suffering a number of casualties. They went on several reconnaissance combat patrols and came under enemy fire. The applicant has earned the privilege of being presented the Combat Infantryman Badge.

b. A letter from S____ B. A____ , shows in part the applicant earned the Combat Infantryman Badge by his presence and his actions in combat situations. He was the [applicant's] platoon sergeant and also his platoon leader from 3 June 1970 until July, until he was wounded and evacuated. He apologizes if he was part of the problem behind the oversight. The applicant was involved in numerous engagements mostly of the small unit type with North Vietnamese Army (NVA) troops moving through our area of operations. The applicant carried an M-16 rifle and grenades, and he used both during said engagements. The applicant took part in numerous ambushes against the NVA troop movements. While in reconnaissance they were shot at sometimes, but they often initiated the contacts. Some of the contacts with the NVA were written up in the 4th Battalion, 3rd Infantry daily unit situation reports. The situation reports are online, and he can access them and forward them to the board. He attached a write up in the battalion newsletter of a contact the unit had with a small NVA on 24 June 1970. The applicant was with the unit and in the article, he is mentioned by name.

11. On 25 March 2022, in ABCMR Docket Number AR20220001085, the Board found that partial relief was warranted. As a result, on 2 March 2023, the applicant was issued a DD Form 215 which shows, in part, in item 24:

- Delete: Vietnam Service Medal
- Add: Army Good Conduct Medal, Republic of Vietnam Campaign Medal with Device (1960), Vietnam Service Medal with three bronze service stars, Vietnam Gallantry Cross with Palm Unit Citation, Marksman Marksmanship Qualification Badge with Machine Gun Bar (M-60)

13. The applicant's record is void of orders awarding him the Combat Infantryman Badge, Bronze Star Medal (2nd Award) or the Army Commendation Medal (3rd Award).

14. By regulation AR 600-8-22 (Military Awards):

a. For award of the Combat Infantryman Badge, a Soldier must meet three requirements: be an infantryman satisfactorily performing infantry duties; be assigned to an infantry unit during such time as the unit is engaged in active ground combat; and actively participate in such ground combat. The definition of requirement to be "engaged in active ground combat" has generated much dialogue over the years as to the original intent of the CIB. The intent has been clarified over time as being personally present, under fire, and engaging in action against the enemy in ground forces combat. It is not awarded for battle participation credit.

b. Award of the Army Commendation Medal and Bronze Star Medal, first or subsequent awards, requires a formal recommendation, approval through the chain of command, and announcement in orders.

c. The oak leaf cluster is issued to denote award of second and succeeding awards of decorations and unit awards.

d. A bronze service star will be awarded for wear on the Vietnam Service Medal for participation in each credited campaign. This is not the same as a Bronze Star Medal. A bronze service star denotes campaign participation. A Bronze Star Medal is a personal decoration that is awarded for achievement, service or heroism, and is announced in orders.

BOARD DISCUSSION:

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

a. Army Commendation Medal (2nd Award): Grant. General Orders issued by the applicant's higher headquarters awarded him two awards of the Army Commendation Medal. His DD Form 214 should be corrected to show both awards.

b. Army Commendation Medal (3rd Award): Deny. Award of the Army Commendation Medal requires a formal recommendation, approval through the chain of command, and announcement in orders. The letter provided by the Adjutant General offering a bronze oak leaf cluster is noted. An oak leaf cluster indicates a second award, not a third award. In the absence of a copy of the recommendation or the general orders, the Board found insufficient evidence for a third award of the Army Commendation Medal.

c. Bronze Star Medal (2nd Award). Deny. Award of the Bronze Star Medal requires a formal recommendation, approval through the chain of command, and announcement in orders. In the absence of a copy of the recommendation or the general orders, the Board found insufficient evidence for a second award of the Bronze Star Medal.

d. Combat Infantryman Badge: Deny. The evidence shows the applicant held an infantry MOS and was assigned to an infantry unit in Vietnam. However, the third requirement is that a recipient must be personally present and under hostile fire while serving in an assigned infantry actively engaged in ground combat with the enemy and actively participate in such ground combat. Campaign or battle credit alone is not sufficient for this award. While the Board noted the two statements provided, U.S. Army Vietnam regulations went so far as to require documentation of the type and intensity of enemy fire encountered by the soldier. The intended requirement to be "personally present and under fire" has not changed. Therefore, in the absence of the special order, and/or without additional documents such as after action reports, incident reports, the Board determined there is insufficient evidence he meets the criteria for this badge.

e. Citations for the Army Commendation Medal second and third award: Deny. When an award issuing authority approves an award, the general order, certificate, and citation are issued to the Soldier. Even if the Board were to reconstruct the citation, it will need the original recommendation for said awards. Without this original recommendation, the Board is not privy to what the applicant did or what specific wording was used by his chain of command in their recommendation.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

█ █ █ GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant amendment of the ABCMR's decision in Docket Number AR20220001085 on 25 March 2022. As a result, the Board recommends that all Department of the Army records of the individual concerned be partially corrected by adding the Army Commendation Medal (2nd Award) to the applicant's DD Form 214.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to the:

- Combat Infantryman Badge
- Army Commendation Medal (3rd Award)
- Bronze Star Medal (2nd Award)
- copy of citations for the Army Commendation Medal second and third award

█

█ █

█

█

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

a. The Combat Infantryman Badge. There are basically three requirements for award of the Combat Infantryman Badge. The Soldier must be an infantryman satisfactorily performing infantry duties, he must be assigned to an infantry unit during such time as the unit is engaged in active ground combat, and he must actively participate in such ground combat. Specific requirements state an Army enlisted Soldier must have an infantry or special forces specialty and must have satisfactorily performed duty while assigned or attached as a member of an infantry, ranger, or special forces unit of brigade, regimental, or smaller size during any period such unit was engaged in active ground combat.

b. The Army Commendation Medal may be awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement or meritorious service. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

c. The Bronze Star Medal is awarded in time of war for heroism and for meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy, or while engaged in military operations involving conflict with an opposing armed force in which the United States is not a belligerent party. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required. The oak cluster is issued to denote award of second and succeeding awards of decorations an unit awards.

//NOTHING FOLLOWS//