

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 16 April 2024

DOCKET NUMBER: AR20230009463

APPLICANT REQUESTS: award of the Combat Infantryman Badge (CIB) and correction of his DD Form 214 (Armed Forces of the United States Report of Transfer of Discharge) to show the badge.

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

- DD Form 149 (Application for Correction of Military Record)
- Applicant's Statement
- Letter received from the Army Board for Correction of Military Records (ABCMR)
- Letter received from the Army Discharge Review Board (ADRB), [Issuing the Army Commendation Medal (ARCOM)]
- DD Form 214
- DD Form 215 (Correction to DD Form 214)
- Five Letters Written to the U.S. Army Human Resource Command (HRC)
- Four Letters the received from the US. Army Human Resources Command (HRC)
- Basic Information Required for Retroactive Award of the CIB or Combat Medical Badge
- Two letters written to the National Achieves
- Four letters written to the National Personnel Records Center (NPRC)
- Affidavit written by Mr. JJZ
- Additional Evidence Provided to HRC

- Delta Company Roster
- Purple Heart Certificate
- Western Union Telegram
- ARCOM Orders 7529 from Headquarters, 25th Infantry Division
- News Article, titled "Vietnam Casualty Honored"
- Bronze Star Medal Orders 9601 from Headquarters, 25th Infantry Division
- Certificate of Appreciation
- National Archives Records – Daily Staff Journal or Officers Log

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 is requesting the CIB for his service as an infantryman in Vietnam from, [in effect, 13 January 1969 until he was wounded in combat on 14 May 1969. He was serving in military occupational specialty (MOS) 11B (Infantryman) with Company D, 2nd Battalion, 14th Infantry, 25th Infantry Division. He fulfilled his role as a combat Soldier until he was wounded. He has engaged the enemy on several occasions and killed three Viet Cong while he was on point flank. On 25 March 1969, he and his platoon became engaged with an "NVA Company" when they were dropped next to a bunker complex. There were other times when he was involved in combat, but he has no specific dates to prove it. He thought his DD Form 214 listed the CIB. His ARCOM and the Republic of Vietnam (RVN) Gallantry Cross with Palm Unit Citation were also not listed on his DD Form 214. But this has been corrected, he was issued a DD Form 215.
4. The applicant was inducted into the Army of the United States on 8 August 1968. He completed basic combat training at Fort Campbell, KY and advanced individual training at Fort Lewis, WA, for award of military occupational specialty (MOS) 11B, Light Weapons Infantryman.
5. His DA Form 20 (Enlisted Qualification Record) shows -
 - he was awarded secondary MOS 71D (Legal Clerk), on 6 December 1968
 - on 13 December 1968, he was awarded primary MOS 11B (Light Weapons Infantryman)
 - on 13 January 1969, he arrived in Vietnam and on 20 January 1969, he was assigned to Company D, 2nd Battalion, 14th Infantry, 25th Infantry Division in MOS 11B.
 - item 40 (Wounds) "Trauma AMP right leg (BK), MFW: (B) Legs, 14 May 1969"
6. A Western Union Telegram was sent to his parents on 18 May 1969, stating the applicant was wounded in action in Vietnam on 14 May 1969 by fragments from a booby trap while on a combat operation. He received wounds to both legs with traumatic amputation of his right leg below the knee.
7. BSM Orders 9601, dated 2 July 1969, awarded to the applicant for heroism in connection with military operations against a hostile force: The applicant distinguished himself by heroic actions on 14 May 1969, while serving as a rifleman with Company D,

2d Battalion, 14th Infantry in the Republic of Vietnam while on a reconnaissance-in-force operation, Company D came upon a suspected booby-trapped area. Knowing that there were several hidden explosives in the surrounding area, the applicant, with complete disregard for his own safety, volunteered to lead the unit through the hazardous terrain. As he moved forward, he was seriously injured when he detonated one of the booby-traps. Ignoring the intense pain of his wound, he immediately warned his comrades of the danger. His bravery, aggressiveness, 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.

8. On 7 August 1969, he was honorably retired and was placed on the temporary disability retired list. His DD Form 14 shows his last duty assignment as Company D, 2nd Battalion, 14th Infantry, 25th Infantry Division. His MOS is listed as 11B. He completed 1 year of net service this period; this service includes 4 months and 11 days of service in Vietnam.

a. Item 24 (Decorations, Medals, Badges, Commendation, Citations and Campaign Ribbons Awarded or Authorized) shows:

- Purple Heart
- Bronze Star Medal with Device "V"
- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device 1960
- Sharpshooter Marksmanship Qualification Badge Rifle (M-14)
- Marksman Marksmanship Qualification Badge Rifle (M-16)

b. On 30 June 2022, he was issued a DD Form 215 amending his DD Form 214 to show award of the Army Commendation Medal and the RVN Gallantry Cross with Palm Unit Citation.

c. The CIB is not listed as an authorized award on his DD Form 214. The applicant's records do not contain orders or any other documentation showing he was awarded the CIB.

9. The applicant provides the below evidence:

a. A Statement, dated 20 June 2023, indicating he believes he earned the CIB when serving as a combat infantryman in South Vietnam from January 1969 to May 1969. He has included the records he provided the Awards and Decorations Branch, USAHRC and their correspondence dated 9 March 2023 denying him award of the CIB.

(1) Originally, he contacted the ABCMR to retroactively issue him the CIB and the ARCOM and correct his DD Form 214 to show award of the CIB, ARCOM, and RVN Gallantry Cross with Palm Unit Citation. He received a letter from the Army Review Boards Agency issuing him the ARCOM and a DD Form 215 adding the ARCOM and RVN Gallantry Cross with Palm Unit Citation to his DD Form 214.

(2) He was advised that he had not exhausted all administrative remedies to correct the error or injustice concerning the CIB, therefore, this portion of his application was being returned without prejudice and without action. If the CIB issue was not satisfied by the Awards and Decoration Branch, he could reapply to the ABCMR.

b. A letter received from the ABCMR, dated 10 May 2022, advising the applicant there was no evidence he submitted his request for the CIB to the USAHRC. He had failed to exhaust. If the CIB issue was not satisfied by the Awards and Decoration Branch, he could reapply to the ABCMR.

c. Five letters the applicant provided to the USAHRC requesting award of the CIB.

d. Four letters the applicant received from the USAHRC denying award of the CIB:

(1) On 12 September 2022, the USAHRC advised the applicant they were unable to verify his entitlement to the CIB. During Vietnam, Commanders were authorized to award the CIB to Soldiers who held an Infantry MOS; were assigned or attached to an Infantry, Ranger or Special Forces unit of brigade or smaller size; and satisfactorily performed infantry duties and actively participated with such unit while engaged in ground combat with the enemy on a specific date. They verified he possessed a qualifying MOS and were assigned to an Infantry unit; however, being assigned to a qualifying unit and possessing a qualifying MOS are not the sole criteria for award of the CIB. Additionally, battle participation credit does not justify an award of the CIB. To retroactively award the CIB, they still required additional documentation to establish the specific engagement and date in which he fulfilled the eligibility for the award. He was advised of the types of corroborating documents he could submit for review.

(2) On 14 November 2022, the USAHRC advised the applicant they remained unable to verify his entitlement to the CIB at this time. They acknowledged receipt of the documentation reflecting receipt of the BSM with "V" Device for the events on 14 May 1969, when he was injured by a booby trap while leading his unit during a reconnaissance operation. While this information was helpful, they could not utilize this award to justify issuance of the CIB. He was not engaged in active ground combat during this incident. As such, without significant documentation to the contrary, it did not appear he meet the strict criteria for award of the CIB.

(3) In a second letter, dated 14 November 2022, the applicant was advised while USAHRC acknowledged receipt of the Affidavit from Mr. JJZ, dated 26 October 2022, they could not utilize this document to justify issuance of the CIB; they must review official military documentation reflecting his satisfactory participation in active ground combat on 25 March 1969. In the absence of such documentation, they remained unable verify his entitlement to the CIB.

(4) On 9 March 2023, the USAHRC advised the applicant the USAHRC remained unable to verify his entitlement to the CIB. He was advised to submit an appeal to the ABCMR).

e. Affidavit written by Mr. JJZ, dated 26 October 2022, stating he served in Vietnam with the applicant. They were both assigned to Company D, 2nd Battalion, 14th Infantry Regiment. The applicant held the rank of private first class (PFC) at the time and the author of the Affidavit held the rank of specialist four.

(1) It is hard to remember dates in the field, but he does remember the fight they had along the Oriental River in March 1969. Third platoon was inserted by helicopter assault in early morning along first platoon. They landed near what turned out to be a large bunker complex defended by an NV A company. Third platoon was dropped almost immediately by rifle and machinegun fire. They were pinned down most of the day. The point gun could not be reached. They were in a definite firefight and the applicant was present and engaged along with first platoon.

(2) He can say categorically the applicant was engaged in this fight; he has been shown records that indicate the date of the above fight was 25 and 26 March 1969.

(3) He also remembers a day in which they were dropped early in the morning by helicopters near a tree line and the point flank and rear flank separated from them and went behind the tree line while the rest of the platoon skirted the trees and vegetation. Within a short time, they heard gunfire, at first [sounded] like an "AK," but it was an M-16 Rifle from the other side of the tree line. As they bit the dirt, suddenly a young combatant age male came running out of the tree line through their formation. He was lucky no one could get a bead on him because it happened so suddenly. The reason why he remembers this particular incident is the man was wearing only a pair of bright red shorts. When they went around the tree line after the firing stopped there were multiple enemy dead who were dragged out of the trees and from their spider hole. He believes it was the applicant who engaged and killed these men.

(4) He does not remember the date or month, but he does remember the applicant was wounded while on point as well as the original medic who tried to help him.

(5) He does not know why the applicant did not receive the CIB; he cannot comment on that except to say he was certainly involved in combat operations with first platoon until he was wounded.

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 served in Vietnam beginning on 13 January 1969. He held a qualifying MOS (11B) and he was assigned to a qualifying infantry unit (2nd Battalion, 14th Infantry). He was wounded in action on 14 May 1969 while on a reconnaissance-in-force operation when his unit came upon a suspected booby-trapped area. He volunteered to lead the unit through the hazardous terrain. As he moved forward, he was seriously injured by a detonated booby-trap. He ignored the pain of his wound and warned his comrades of the danger. The Board agreed that by volunteering to lead his infantry platoon in a booby-trapped area is reflective of the applicant satisfactorily performing his infantry duties. Additionally, the affidavit written by a witness who was assigned to the same unit reports other instances, one of which was during a helicopter insertion/assault, when they landed near a large bunker complex defended by an NVA company. The platoon was pinned down and they were in a definite firefight and the applicant was present and engaged along with first platoon. Although the two incidents (applicant's wound and helicopter insertion) occurred on separate dates, the Board believed that given the totality of the applicant's service in Vietnam, his qualifying MOS and infantry unit, and his wound, it is reasonable to presume he was engaged in active ground combat and therefore met 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 14 May 1969
- 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. U.S. Army Vietnam Regulation 672-1 (Awards and Decorations) governed award of the CIB to Army forces operating in South Vietnam. This regulation stated that criteria

for award of the CIB identified the man who trained, lived, and fought as an infantryman and that the CIB was the unique award established to recognize the infantryman and only the infantryman for his service. Further, “the CIB is not an award for being shot at or for undergoing the hazards of day to day combat.” This regulation also stated the CIB was authorized for award to infantry officers, to enlisted personnel, and to warrant officers who had an infantry specialty/military occupational specialty and required that they must have served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or smaller size.

3. Army Regulation (AR) 600–8–22 (Personnel-General Military Awards) provides Department of the Army policy, criteria, and administrative instructions concerning individual military decorations, service medals and ribbons, combat and special skill badges and tabs, unit decorations, trophies, and similar devices awarded in recognition of accomplishments. It prescribes the policies and procedures concerning U.S. Army awards to foreign military personnel and foreign decorations to U.S. Army personnel. Paragraph 8–6 provides the criteria for award of the CIB. For award of the CIB a Soldier must meet the following three requirements:

a. Be an infantry Soldier satisfactorily performing infantry duties.

(1) A Soldier must be an Army infantry or 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) Eligibility for SF personnel in MOSs 18B, 18C, 18E, 18F, and 18Z (less 18D–SF medical sergeant) accrues from 20 December 1989. Retroactive awards of the CIB to SF personnel are not authorized prior to 20 December 1989.

b. Be assigned to an infantry unit during such time as the unit is engaged in active ground combat.

(1) 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.

(2) Personnel with other than an infantry or SF MOS are not eligible, regardless of the circumstances. The infantry or SF CMF, AOC or MOS does not necessarily have

to be the Soldier's primary specialty, as long as the Soldier has been properly trained in infantry or SF tactics, possesses the appropriate skill code, and is serving in that specialty when engaged in active ground combat as described above. Commanders are not authorized to make any exceptions to this policy.

(3) Awards will not be made to general officers or to members of headquarters companies of units larger in size than brigade.

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

//NOTHING FOLLOWS//