

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 May 2024

DOCKET NUMBER: AR20230010622

APPLICANT REQUESTS:

- correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of the Bronze Star Medal and Army Commendation Medal (2nd Award)
- award of the Combat Infantryman Badge

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending 9 September 1971
- Bronze Star Medal Certificate and Citation
- Two Army Commendation Medal Citations

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's records contain sufficient evidence to support additional awards not reflected on his DD Form 214 and will be listed in the administrative notes section below. The Board will consider correction to show the Bronze Star Medal and award of the Combat Infantryman Badge, and as a related issue, award of the Good Conduct Medal (1st Award).
3. The applicant provides:
 - Bronze Star Medal Certificate for meritorious achievement in ground operations against hostile forces in the Republic of Vietnam during the period May 1970 to March 1971, with accompanying citation

- Army Commendation Medal Citation presented to the applicant for exceptional meritorious achievement in support of military operations against communist aggression in the Republic of Vietnam
 - Army Commendation Medal Citation presented to the applicant for the period 1 June 1970 to 31 October 1970 for meritorious achievement in support of military operations against communist aggression in the Republic of Vietnam
4. The applicant was inducted into the Army of the United States on 21 November 1969.
5. He served in Vietnam from 5 May 1970 to 10 April 1971. His DA Form 20 (Enlisted Qualification Record) shows in:
- item 22 (Military Occupational Specialties): 11C (Infantry Indirect Fire Crewman)
 - item 38 (Record of Assignments): 1 June 1970 to 18 September 1970, 11C, Company E, 3d Battalion, 7th Infantry, 199th Infantry Brigade; 19 September 1970 to 5 April 1971, 11C, Company E, 2d Battalion, 327th Infantry
 - item 38: all "excellent" conduct and efficiency ratings throughout his service
 - item 41 (Awards and Decorations): National Defense Service Medal, Vietnam Service Medal, Republic of Vietnam Campaign Medal with 1960 Device, two overseas service bars, Army Commendation Medal (2nd Award)
6. Special Orders Number 9, dated 14 January 1970, issued by the Headquarters, U.S. Army Training Center, announced award of the Expert Marksmanship Qualification Badge with Hand Grenade Bar.
7. Special Orders Number 15, dated 21 January 1970, issued by the Headquarters, U.S. Army Training Center, announced award of the Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14).
8. Special Orders Number 21, dated 28 January 1970, issued by the Headquarters, U.S. Army Training Center, announced award of the Expert Marksmanship Qualification Badge with Rifle Bar (M-16).
9. General Orders Number 3925, dated 24 August 1970, issued by the Headquarters, U.S. Army Vietnam, awarded him the Army Commendation Medal, for achievement from 4 May 1970 to 9 September 1970.
10. General Orders Number 14765, dated 18 December 1970, issued by the Headquarters, 101st Airborne Division, awarded him the Army Commendation Medal for service from 1 June 1970 to 31 October 1970.

11. His record contains, and the applicant provides a Bronze Star Medal Certificate for meritorious achievement in ground operations against hostile forces in the Republic of Vietnam during the period May 1970 to March 1971. The certificate is signed by TMT, Major General, Commanding, 101st Airborne Division and Secretary of the Army Stanley R. Resor. This certificate does not annotate a permanent order number.

12. On 9 September 1971, the applicant was honorably transferred to the U.S. Army Reserve. His DD Form 214 shows he completed 1 year, 9 months, and 19 days of active service. It also shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with 1960 Device
- two overseas service bars
- Army Commendation Medal
- Expert Marksmanship Qualification Badge with Rifle Bar

13. The applicant's record is void of orders awarding him the Combat Infantryman Badge.

14. The applicant's record is also void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal, for the period 21 November 1969 to 9 September 1971.

15. By regulation:

a. To be awarded the Combat Infantryman Badge, the recipient must meet the following criteria: be an infantryman satisfactorily performing infantry duties; assigned to an infantry unit during such time as the unit is engaged in active ground combat, and actively participate in such ground combat; campaign or battle credit alone is not sufficient.

b. The Army Good Conduct Medal is awarded for exemplary behavior, efficiency, and fidelity in active Federal military service. It is awarded on a selective basis to each Soldier who distinguishes themselves from their fellow Soldiers by exemplary conduct, efficiency, and fidelity throughout a specified period of continuous enlisted active Federal military service.

- each 3 years completed on or after 27 August 1940
- for first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946
- for first award only, upon termination of service on or after 17 June 1950, of less than 3 years but more than 1 year

- for first award only, upon termination of service, on or after 17 June 1950, of less than 1 year when final separation was by reason of physical disability incurred in line of duty
- for first away only, for those individuals who died before completing 1 year of active Federal military service or if the death occurred in the line of duty

BOARD DISCUSSION:

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

a. Army Commendation Medal (2nd Award): Grant. The applicant's service record contains two sets of general orders: GO Number 3925, 24 August 1970, issued by HQ, U.S. Army Vietnam, awarded him the Army Commendation Medal, for achievement from 4 May 1970 to 9 September 1970, and GO Number 14765, 18 December 1970, issued by the HQ, 101st Airborne Division, awarded him the Army Commendation Medal for service from 1 June 1970 to 31 October 1970.

b. Bronze Star Medal: Grant. A review of his official records did not reveal any general orders for the Bronze Star Medal. However, he provides, and his records contain, a Bronze Star Medal Certificate for meritorious achievement in ground operations against hostile forces in the Republic of Vietnam during the period May 1970 to March 1971. This citation is consistent with his duty assignment in Vietnam and his scope of responsibilities. Despite the absence of general orders, the Board accepted the certificate as sufficient evidence to add the Bronze Star Medal to his DD Form 214.

c. Army Good Conduct Medal: Grant. As a related award, although not specifically requested by the applicant, the evidence shows he served on active duty from 21 November 1969 to 9 September 1971, completing 1 year, 9 months, and 19 days of total active service. His records do not contain a commander's disqualification for award of the Army Good Conduct Medal (1st Award). His records do not contain any court-martial convictions or lost time. As such, the Board determined he qualifies for award of the Army Good Conduct Medal (1st Award).

d. Combat Infantryman Badge: Deny. To be awarded the CIB, the Soldier must be an infantry Soldier (i.e., holds an 11-series MOS), and the Soldier must be satisfactorily performing infantry duties; the Soldier must be assigned to an infantry unit, brigade-sized or smaller, that is engaged in active ground combat; and the Soldier must have actively participated in such ground combat. Campaign credits alone are insufficient to warrant this award. The Board found insufficient evidence the applicant actively participated in ground combat while assigned or attached to an infantry unit was that was engaged with the enemy in ground combat.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

█ █ █ GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the correction addressed in Administrative Note(s) below, the Board determined the evidence presented is sufficient to warrant a recommendation for partial 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 Army Good Conduct Medal for service during the period 21 November 1969 through 9 September 1971
- Adding awards of the Army Good Conduct (1st Award), Bronze Star Medal, and Army Commendation Medal (2nd Award) to his 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.

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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 service records show he is authorized additional awards not annotated on his DD Form 214, for the period ending 9 September 1971. As a result, amend his DD Form 214 to show:

- two bronze service stars to his previously awarded Vietnam Service Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

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) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. To be awarded the Combat Infantryman Badge, the recipient must meet the following criteria:

- be an infantryman satisfactorily performing infantry duties
- assigned to an infantry unit during such time as the unit is engaged in active ground combat
- actively participate in such ground combat; campaign or battle credit alone is not sufficient

b. The Bronze Star Medal is awarded to members of the armed forces of a friendly foreign nation who distinguish themselves by heroic or meritorious achievement or service, not involving participation in aerial flight while engaged in an action against an enemy of the U.S.; while engaged in military operations involving conflict with an opposing foreign force; or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the U.S. is not a belligerent party.

3. Army Regulation 672-5-1 (Awards), in effect at the time, stated the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940; for first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; and, for the first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more

than 1 year. The enlisted person must have had all "excellent" conduct and efficiency ratings. Ratings of "Unknown" for portions of the period under consideration were not disqualifying. Service school efficiency ratings based upon academic proficiency of at least "Good" rendered subsequent to 22 November 1955 were not disqualifying. There must have been no convictions by a court-martial. However, there was no right or entitlement to the medal until the immediate commander made a positive recommendation for its award and until the awarding authority announced the award in general orders.

4. Department of the Army Pamphlet 672-3 (Unit and Campaign Participation Credit Register) states a bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign. During his service in Vietnam, the applicant participated in the following campaigns:

- DA Sanctuary Counteroffensive, 1 May 1970 – 30 June 1970
- Vietnam Counteroffensive, Phase VII, 1 July 1970 – 30 June 1971

//NOTHING FOLLOWS//