

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 April 2024

DOCKET NUMBER: AR20230010686

APPLICANT REQUESTS: on behalf of their father, a Former Service Member (FSM):

- correction of his WD AGO Form 53-55 (Enlisted Record and Report of Separation – Honorable Discharge) to show award of:
 - Africa, Middle Eastern Medal
 - Army Good Conduct Medal (First Award)
 - Combat infantryman's Badge
 - Congressional Gold Medal
 - Ramgarh lapel pin
- award of the Bronze Star Medal (BSM), and correction of his WD AGO Form 53-55 to show this medal
- any other awards for which he or his unit was authorized

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

- DD Form 149 (Application for Correction of Military Record), 13 June 2023
- Self-authored Statement, PDK____, 7 June 2023
- Self-authored Statement, BDS, 7 June 2023
- black and white photograph, c. 1944
- three undated color photographs of a Soldier c. 1940s
- five undated color photographs of an Army field uniform containing medals, decorations, and unit insignia
- WD AGO Form 100 (Enlisted Qualification Record)
- WD AGO Form 53-55 (Enlisted Record and Report of Separation – Honorable Discharge), 9 November 1945
- Honorable Discharge Certificate, 9 November 1945
- Birth Certificate, State of Pennsylvania, 1948
- Birth Registration, State of Pennsylvania, 1968
- Birth Certificate, State of Pennsylvania, 1968
- Hand-written letter by the FSM, dated 25 December 1997

- Death Certificate, State of Pennsylvania, 2002
- Obituary of the FSM, 2002
- Burman newspaper, Official publication of the Merrill Marauders Association, May 2002 and November 2002
- Birth Certificate, State of Pennsylvania, 2019
- Presidential Gold Medal Act, October 2020
- letter, National Personnel Records Center, 27 March 2023
- White paper, "Reading and Understanding the WWII Discharge Document," undated

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 applicants state, in effect, as two surviving children of the FSM, she the oldest surviving daughter and he, the youngest son:

a. They have been trying to restore and update the FSM's military records. He was attached to The Merrill's Marauders during WW II and he earned his Combat Infantryman Badge. Box 31 of the appropriate form is marked unknown instead of not known.

b. Box 33 of his WD AGO Form 53-55 should show the Army Bronze Star Medal, the European-African-Middle Eastern Campaign Medal, and Army Good Conduct Medal, in addition to his Medals already listed. These include the Asiatic Pacific Campaign Medal with two bronze service stars and the World War II (WWII) Victory Ribbon.

c. They are unsure which box his Ramgarh lapel pin should be listed. He should also receive the BSM and Congressional Gold Medal for his participation in Merrill's Marauders.

d. He was told to purchase the medals but did not want to purchase them without first correcting his father's records. Their research has led them to find a partially burned film of The Merrill's Marauders found after a plane crash during WWII. His oldest sister found a copy of his separation document.

3. The applicants provided copies of a:

- a. A WD AGO Form 100, showing the FSM's MOS training, assignments, and codes.
- b. A WD AGO Form 53-55, dated 9 November 1945, showing the FSM was honorably discharged after having served during WWII.
- c. A State of Pennsylvania Birth Certificate, dated Oct 1948, showing his older sister is the daughter of the FSM.
- d. Three undated photographs showing a Soldier in uniform.
- e. Five photographs of an Army dress uniform coat from c. 1945, showing its awards, decorations, medals, and ribbons. These include close-up color photograph of (1) the dress uniform coat over a shadow box; (2) the ribbons and medals panel over the front left pocket, showing the Combat Infantryman Badge; the World War II Victory Medal, the Asiatic-Pacific Theater Campaign Ribbon with two bronze service stars, one of which is missing; and an unidentified (faded) ribbon; (3) a U.S. Army Chinese Training and Combat Command lapel pin; (4) a China-Burma-India (CBI) Theater official insignia patch on the right shoulder; and (5) a close-up color photograph of a shoulder sleeve insignia on the left shoulder.
- f. A hand-written letter from the FSM, dated 25 December 1997, in which he describes his movements and the units served with during WWII. He states, in effect, he sailed from New York across the Atlantic Ocean to Freemantle, Africa and around Cape Town; then up the East Coast to the Port of Durban. He shipped on a British Troop ship through the Indian Ocean to Romboy, India. He went by train across India to Belvery Province to Ramgarh, to train Chinese Soldiers. He served in the jungles and was transferred to North Burma and became attached to the Merrill's Marauders. He served with the 124th Cavalry and the 475th Infantry. He served with I Troop through combat. I Troops was hit very hard and he was one of two left from his squad. He returned through Calcutta to Perth Australia, through the Mariana Islands and then to San Francisco.
- g. A Certificate of Death, State of Pennsylvania, showing the FSM died in 2002.
- h. An obituary of the FSM, dated 2002, showing the relatives of the FSM include both applicants.
- i. Two Burman News publication of The Merrill's Marauders Association, Inc., showing updates of the association in May and November 2002.
- j. A State of Pennsylvania Birth Certificate, dated December 2008, showing the applicant was born in May 1968, and is the son of the FSM; a second State of

Pennsylvania Birth Certificate, showing the eldest child of the FSM is also an interested party on the application.

k. A letter from National Personnel Records Center, dated 27 March 2023, notifying the applicant that the FSM's records were not found.

4. The applicant's complete military records are not available for review. A fire destroyed approximately 18 million service members' records at the National Personnel Records Center in 1973. It is believed that the applicant's records were lost or destroyed in that fire. However, there were sufficient documents remaining in a reconstructed record to conduct a fair and impartial review of this case. These records consist of two documents from a partially reconstructed record provided by both the applicants.

5. The applicant's records contain sufficient evidence to support an administrative correction to the FSM's WD AGO Form 53-55 not requiring Board Action and will be listed in the administrative notes section.

6. A review of the available service records, the two documents available to review are sufficient for Board review of this request and include:

a. The WD AGO Form 100 (Separation Qualification Record) which shows:

(1) He completed Military Occupational Assignments:

- 3 months of Basic Training in MOS 521 (Infantry) at grade private
- 6 months as a Light Mortar Crewman in MOS 607 at grade PFC
- 18 months as an Instructor Basic in MOS 659, at grade PFC

(2) His (MOS) title description (was) Light Mortar Crewman; (he) served as a member of light mortar section. (He) set up, aimed, and fired and service light 60 mm mortar in directing fire on enemy troops concentrations and installations. (He) fired explosive charges and smoke on enemy positions; overseas (for) 25 months; (he) saw combat with the Mars Task Force in Central Burma.

b. A WD AGO Form 53-55, showing on 1 January 1943, the applicant was inducted into the Army of the United States and on 8 January 1943, he entered on active duty. It further shows in:

(1) Item 3 (Grade) – private first class (PFC).

(2) Item 4 (Arm of Service) – "AGD."

(3) Item 7 (Date of Separation) – 9 November 1945.

(4) Item 30 (Military Occupation and Number) – Light Mortar Crewman, (Military Occupational Specialty Number (MOS) not shown) but should show MOS 607.

(5) Item 31 (Military Qualifications and Dates) – "unknown."

(6) Item 32 (Battles and Campaigns) – India Burma, and Central Burma.

(7) Item 33 (Decorations and Citations) – World War II Victory Medal and Asiatic-Pacific Theater Campaign Ribbon.

(8) Item 36 (Service Outside the Continental United States and Return) – service in the Asiatic-Pacific Theater of Operations from 8 August 1943 to 8 May 1945.

(9) Item 38 (Highest Grade Held) – PFC.

(10) Item 40 (Reason and Authority for Separation) – Army Regulation 615-365, RR 1-1, Demobilization.

(11) Item 43 (Longevity For Pay Purposes) – 2 years, 10 months, and 9 days.

(12) Item 55 (Remarks) – no entries showing court-marital convictions.

6. The available records do not show the unit(s) to which he was assigned while in the Asiatic-Pacific Theater of Operations.

7. The available records contain no evidence of commander's disciplinary actions, including nonjudicial punishment and court-marital convictions. The available records contain no indication of any reductions or time lost during the FSM's service.

8. The available records are void of orders awarding the FSM the BSM, AGCM for the period 8 January 1943 to 9 November 1945, and the CIB.

BOARD DISCUSSION:

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

2. The Board found sufficient evidence of record to justify awarding the FSM the Combat Infantry Man Badge, and the Bronze Star Medal as a result of his award of the Combat Infantryman Badge.

3. The Board found no evidence of commander's disciplinary actions, including nonjudicial punishment and court-martial convictions, and the FSM's records did not include any indication of any reductions or time lost during his service. As such, there is sufficient evidence to justify award of the Army Good Conduct Medal (1st Award) for the period 1 January 1943 to 9 November 1954.
4. The U.S. Army Chinese Training and Combat Command lapel pin, which was issued at the Ramgarh Training Center (RTC) is not listed in Army Regulation 600-8-22 (Military Awards) as an award authorized for entry on Army separation documents.
5. The Congressional Gold Medal is not a military award, it is a commemorative award created by congress, which is not authorized for entry on military separation documents.

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 concurs with the corrections addressed in Administrative Note(s) below and 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:

a. awarding him the -

- Combat Infantryman Badge for the period 8 August 1943 to 8 May 1945
- Bronze Star Medal
- Army Good Conduct Medal (1st Award) for the period 1 January 1943 to 9 November 1954

b. adding the Combat Infantryman Badge to Item 31 (Military Qualifications and Dates) and the Bronze Star Medal and the Army Good Conduct Medal (1st Award) to item 33 (Decorations and Citations) of his wd ago 53-55.

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 correcting his WD AGO 53-55 to add the Ramgarh lapel pin and the Congressional Gold Medal

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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): administratively correct the FSM's WD AGO Form 53-55 to add two bronze service stars to his previously issued Asiatic-Pacific Theater Campaign Medal.

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 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. Army Regulation 600-8-22 (Military Awards), currently in effect, prescribes Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. 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.

(1) Awards may be made for acts of heroism, which are of lesser degree than required for the award of the Silver Star.

(2) When the Bronze Star Medal is awarded for heroism, a bronze letter "V" (for valor) is worn on the suspension and service ribbon of that medal.

(3) The Bronze Star Medal may be awarded for meritorious achievement or meritorious service to recognize single acts of merit or meritorious service.

(4) Award may be made to each service member of the Army, who after 6 December 1941, has been cited in orders or awarded a certificate for exemplary conduct in ground combat against an armed enemy between 7 December 1941 and 2 September 1947.

(5) Award of the Bronze Star Medal may be made to each member of the Armed Forces of the United States who, after 6 December 1941, has been cited in orders or awarded a certificate for exemplary conduct in ground combat against an armed enemy between 7 December 1941 and 2 September 1945, inclusive, or whose meritorious achievement has been otherwise confirmed by documents executed prior to 1 July 1947. For this purpose, an award of the Combat Infantryman Badge or Combat Medical Badge is considered as a citation in orders for award of the Bronze Star Medal.

b. The European-African-Middle Eastern Campaign Medal was established by Executive Order 9265, announced in War Department Bulletin 56, 1942. It is awarded for service within the European-African-Middle Eastern Theater between 7 December 1941 and 8 November 1945. One bronze service star is authorized for each campaign. The campaigns authorized for the EAME Medal were:

c. The Asiatic-Pacific Campaign Medal was established by EO 9265 (War Department Bulletin 56, 6 November 1942), as amended by EO 9706, 15 March 1946. It is awarded for service with the Asiatic-Pacific Theater between 7 December 1941 and 2 March 1946. One bronze service star is authorized for each campaign.

d. The American Campaign Medal was established by Executive Order 9265 (War Department Bulletin 56, 1942). It is awarded for service within the American Theater between 7 December 1941 and 2 March 1946 under any of the following conditions: Within the continental limits of the United States for an aggregate period of 1 year.

e. The World War II Victory Medal was established by an Act of Congress 6 July 1945. It is awarded for service between 7 December 1941 and 31 December 1946, both dates inclusive.

f. The Army Good Conduct Medal is awarded to on a selective basis to each Soldier who distinguishes himself or herself from among his or her fellow Soldiers by exemplary conduct, efficiency, and fidelity throughout a specified period of continuous enlisted active Federal military service. There is no right or entitlement to the medal until the immediate commander has approved the award and the award has been announced in permanent orders.

(1) The periods of service of qualifying service are: (1) each 3 years completed on or after 27 August 1940; (2) for the first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; (3) 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; (4) for the first award only, upon termination of service on or after 27 June 1950 of less than 1 year when final separation was by reason of physical disability incurred in line of duty; or (5) for the first award 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.

(2) Throughout a qualifying period of service, the enlisted Soldier's character must have been above reproach and must meet all of the following criteria for award of the Army Good Conduct Medal as indicated in the Soldier's record: willingly complied with the demands of the military environment, been loyal and obedient to his or her superiors, faithfully supported the goals of his or her organization and the Army, and conducted himself or herself in an exemplary manner as to distinguish him or her from fellow Soldiers.

4. War Department Circular 269-1943 established the CIB and the Expert Infantryman Badge (EIB) to recognize and provide an incentive to infantrymen. The EIB was to be awarded for attainment of certain proficiency standards or by satisfactory performance of duty in action against the enemy. The CIB was awarded for exemplary conduct in action against the enemy. War Department Circular 186-1944 further provided that the CIB was to be awarded only to infantrymen serving with infantry units of brigade, regimental or smaller size. Additionally, World War II holders of the CIB received a monthly pay supplement known as combat infantry pay and holders of the EIB were entitled to expert infantry pay. Soldiers had economic as well as intangible reasons to ensure that their records were correct; therefore, pay records are frequently the best available source to verify entitlement to this award. The Military Awards Branch of the HRC has advised in similar cases that, during World War II, the CIB was normally awarded only to enlisted individuals who served in the following positions:

- Light machine gunner (604)
- Heavy machine gunner (605)
- Platoon sergeant (651)
- Squad leader (653)
- Rifleman (745)
- Automatic rifleman (746)
- Heavy weapons NCO (812)
- Gun crewman (864)

5. War Department Circular Number 408, dated 17 October 1944 and effective 1 November 1944, restricted award of the CIB to officers, warrant officers, and enlisted men assigned to infantry regiments, infantry battalions, and elements thereof designated as infantry. Personnel whose eligibility was thus established could qualify for award of the CIB by satisfactory performance of duty in ground combat against the enemy. Announcement of the award of the CIB would be made in regimental or unit orders.

6. War Department Circular Number 93, dated 24 March 1945 and effective 1 November 1944, restricted award of the CIB to officers, warrant officers, and enlisted men assigned to infantry regiments, infantry battalions, and elements thereof designated as infantry. In addition, infantry officers, warrant officers, and enlisted men

who were attached to infantry regiments, infantry battalions, and elements thereof designated as infantry of the U.S. forces or of any of the Allied Nations' military forces were eligible for the CIB. In those cases where the individual concerned was not assigned to an infantry regiment or smaller infantry unit, the award would be made by such commanders and in such orders as the theater commander designated.

7. Army Regulation 600-70 (Badges), dated 15 April 1948, stated the CIB was authorized for award to an infantry officer, warrant officer, or enlisted man who satisfactorily performed duty while assigned as a member of an infantry regiment or infantry battalion during any period such unit was engaged in active ground combat. Commanding officers of infantry regiments and separate infantry battalions were the award authorities.

8. Army Regulation 635-8 (Separation Processing and Documents), currently in effect, prescribes the transition processing function of the military personnel system. It provides principles of support, standards of service, policies, tasks, rules, and steps governing required actions in the field to support processing personnel for separation and preparation of separation documents. List all federally recognized awards and decorations for all periods of service. Do not use abbreviations. Do not enter foreign or State level awards on DD Form 214.

9. TM 12-427 (Military Occupational Classification of Enlisted Personnel), in effect on 12 July 1944, shows:

a. MOS 607 corresponded to the description "Light Mortar Crewman." This MOS also was known as Ammunition Bearer, Mortar Gunner, Mortar Assistant, and Mortar NCO.

b. MOS 659 corresponded to the description "Instructor (Designated Subject).

c. MOS 521 corresponded to the description "Basic."

10. According to the Center for Military Website, The 5332d Brigade, also known as the MARS Task Force, had three regiments. One contained the survivors of Merrill's Marauders, which had been reorganized, brought up to strength with replacements from the United States, and redesignated the 475th Infantry Regiment. Another was the 124th Cavalry Regiment, a dismounted former National Guard unit from Texas functioning as infantry. The third, considered to be an elite unit, was the U.S.-trained and -equipped 1st Chinese Regiment (Separate). The MARS Task Force was a successor to The Merrill's Marauders.

11. Merrill's Marauders (named after Frank Merrill) or Unit Galahad, officially named the 5307th Composite Unit (Provisional), was a United States Army long range penetration

special operations jungle warfare unit, which fought in the Southeast Asian theater of World War II, or China-Burma-India Theater (CBI). The unit became famous for its deep-penetration missions behind Japanese lines, often engaging Japanese forces superior in number.

12. Public Law Number 116-170, 17 October 2020, S.743, also known as the Merrill's Marauders Congressional Gold Medal Act, authorized a Congressional Gold Medal to the Soldiers of the 5307th Composite Unit (Provisional), commonly known as Merrill's Marauders in recognition of their bravery and outstanding service in the jungles of Burma during World War II. Medals struck pursuant to this Act are national medals for purposes of Chapter 51 of Title 31, United States Code. This award is a commemorative medal and is not authorized for entry on military separation documents.

13. The U.S. Army Chinese Training and Combat Command lapel pin was issued at the Ramgarh Training Center (RTC), which was established as the only U.S. Army training center on foreign land until another modeled on it was established at Kuming, China, later during WWII. Instructors worked year round to train the Chinese 38th Division and 22nd Division. The U.S. Army Chinese Training and Combat Command lapel pin consisted of Chinese characters with a banner in English beneath reading "Victory is Knowledge." Army Regulation 600-8-22 (Military Awards) does not list this as an award authorized for entry on the DD Form 214.

14. The China-Burma-India (CBI) Theater official shoulder sleeve insignia (shoulder patch) of the CBI was a Chinese sun and American star on a blue field with five red and white stripes below. The insignia was worn on the shoulder of the uniform.

15 The Chinese Training and Combat Command (CTCC) shoulder sleeve insignia was the unofficial insignia of the CTCC with five red and white stripes at an angle with the Chinese sun prominent in the center.

//NOTHING FOLLOWS//