

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 May 2024

DOCKET NUMBER: AR20230010842

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 6 May 1970 to show award of the Combat Infantryman Badge (CIB).

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

- DD Form 149 (Application for Correction of Military Record)
- Headquarters (HQ), 24th Evacuation Hospital, General Orders Number 179, 12 August 1969
- HQ, 1st Air Cavalry Division, General Orders Number 9769, 12 August 1969
- Purple Heart (PH) Certificate, 14 August 1969
- Western Union Telegram, 14 August 1969
- 3 Standard Forms 502 (Clinical Record – Narrative Summary), 6 February 1970
- DD Form 214

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 served in Vietnam as an indirect fire infantryman in military occupational specialty (MOS) 11C. He was wounded and awarded the PH but did not receive his CIB. He contacted the U.S. Army in the 2005 time frame about his CIB and was sent the CIB but no paperwork or certificate accompanied it.
3. He enlisted in the Regular Army on 27 December 1968 for a period of 2 years. Upon completion of initial entry training, he was awarded MOS 11C.
4. He was assigned to 2d Battalion, 8th Cavalry Regiment, 1st Air Cavalry Division, in Vietnam effective 12 June 1969.

5. Headquarters (HQ), 24th Evacuation Hospital, General Orders Number 179, 12 August 1969, awarded him the PH for wounds received as a result of hostile action in Vietnam on 12 August 1969 while assigned to Company E, 2d Battalion, 8th Cavalry Regiment.

6. HQ, 1st Cavalry Division, General Orders Number 9769, 12 August 1969, awarded him the PH for wounds received in connection with military operations against a hostile force in Vietnam on 12 August 1969 while assigned to Company E, 2d Battalion, 8th Cavalry Regiment, with accompanying PH Certificate (duplicate award).

7. The Western Union telegram, 14 August 1969, informed his parents that he was wounded in action in Vietnam on 12 August 1969 by fragments while at an aircraft landing zone when the area came under attack by a hostile force.

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

a. item 31 (Foreign Service), he received overseas tour credit for service in U.S. Army Pacific-Vietnam from 3 June 1969 through 28 August 1969;

b. item 38 (Record of Assignments):

- Company A, 2d Battalion, 8th Cavalry Regiment, 1st Air Cavalry Division, as an indirect fire crewman in duty MOS 11C from 12 June 1969 to 6 July 1969
- Company E, 2d Battalion, 8th Cavalry Regiment, 1st Air Cavalry Division, as a light weapons infantryman in duty MOS 11B from 7 July 1979 to 14 August 1969
- 24th General Hospital as a patient from 15 August 1969 to 27 August 1969

c. item 38, he received "Excellent" conduct and efficiency ratings, where rated;

d. item 40 (Wounds), he received fragment wounds in the brain, face, and all extremities; and

e. item 41 (Awards and Decorations), no entry showing he was awarded the CIB.

9. His Standard Forms 502, 6 February 1970, document his fragment wounds as a result of hostile activity in the Republic of Vietnam.

10. Department of the Army Special Orders Number 71, 22 April 1970, determined he was permanently unfit for duty by reason of physical disability with a disability rating of 90 percent, released him from assignment on 6 May 1970, and placed him on the Retired List in the rank/grade of specialist four/E-4 effective 7 May 1970.

11. He retired by reason of permanent disability on 6 May 1970. He completed 1 year, 4 months, and 10 days of total active service. His DD Form 214 shows in:

- item 22c (Foreign and/or Sea Service) – U.S. Army Vietnam – 2 months and 28 days
- item 23a (Specialty Number and Title) – 11C2O Infantry Indirect Fire Crewman
- item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) – PH, Army Commendation Medal, National Defense Service Medal, Vietnam Service Medal with two bronze service stars, Republic of Vietnam Campaign Medal with Device (1960), Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14), First Class Gunner (now known as Sharpshooter) Marksmanship Qualification Badge with Mortar Bar (81 millimeter)
- item 30 (Remarks) – U.S. Army Vietnam: 3 June 1969-28 August 1969

12. Department of the Army General Orders Number 8, 19 March 1974, confirmed award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Military Assistance Command, and its subordinate units during the period 8 February 1962 to 28 March 1973 and to Headquarters, U.S. Army Vietnam, and its subordinate units during the period 20 July 1965 to 28 March 1973.

13. His military records do not contain orders awarding him the Army Good Conduct Medal (AGCM) (1st Award) or CIB. His military records also do not contain a commander's disqualification for award of the AGCM (1st Award).

BOARD DISCUSSION:

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

a. Combat Infantryman Badge: Grant. The applicant held an infantry MOS, and he was assigned to what appears to be the infantry squad of a Cavalry unit (2nd Battalion, 8th Cavalry Regiment) from 12 June 1969 through 14 August 1969. He was wounded in action in Vietnam on 12 August 1969 by fragments while at an aircraft landing zone when the area came under attack by a hostile force. The Board determined since his unit was under attack and he was personally present, and wounded, he meets the criteria for award of the CIB.

b. 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 27 December 1969 to 6 May 1970, completing 1 year, 4 months, and 10 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).

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

In addition to the correction addressed in Administrative Note(s) below, 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 him the Combat Infantryman Badge on 12 August 1969 (Vietnam)
- Awarding the applicant the Army Good Conduct Medal for service during the period 27 December 1969 through 6 May 1970,
- Adding awards of the Army Good Conduct (1st Award) and 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.

ADMINISTRATIVE NOTE(S): The applicant is authorized administrative correction of his DD Form 214 to show award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation without Board action.

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. The AGCM is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity. This period is 3 years except in those cases when the period for the first award ends with the termination of a period of active federal military service. Although there is no automatic entitlement to the AGCM, disqualification must be justified.

b. The CIB is awarded to infantry or special forces officers and enlisted and warrant officer persons who have an infantry or special forces MOS. They must have served in active ground combat while assigned or attached to an infantry, ranger, or special forces unit of brigade, regimental, or smaller size. Specifically, a recipient must be personally present and under hostile fire while serving in an assigned infantry or special forces primary duty in a unit actively engaged in ground combat with the enemy. Battle or campaign participation credit alone is not sufficient; the unit must have been in active ground combat with the enemy during the period. Personnel with other than an infantry or special forces MOS are not eligible, regardless of the circumstances. A Soldier must meet the following three requirements for award of the CIB:

- 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
- actively participate in such ground combat

3. U.S. Army Vietnam Regulation 672-1 (Decorations and Awards), appendix V, provided that during the Vietnam era, the CIB was awarded only to enlisted individuals who held and served in MOS 11B, 11C, 11D, 11F, 11G, or 11H.

//NOTHING FOLLOWS//