

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 June 2024

DOCKET NUMBER: AR20230011633

APPLICANT REQUESTS: reconsideration of his previous request to be awarded the Combat Infantryman Badge.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

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 AR20200002302 on 30 October 2020.

2. The applicant states:

a. He served with the 2nd Squad, 2nd Platoon, C Company, 2nd Battalion, 35th Infantry, 4th Infantry Division in Vietnam. He/They made contact with the enemy took fire and fired back. His time on record with the unit is skewed because he returned to the unit after orders were given to him to stand down while his foot healed. These orders were delayed somehow. They were told they qualified for the Combat Infantryman Badge, but he left the unit before orders were turned in, and he was obviously left out.

b. He served with this infantry unit, and he did his job. As a result of taking responsibility, he fractured his foot while chasing down a Soldier who threw down his weapon and ran after walking into a wasp nest. He qualified for the Combat Infantryman Badge in that he took and returned fire. The review committee originally stated his records were lost and they could not verify the unit's action. He contends that such answer is not a reason to deny him the Combat Infantryman Badge, as well as other unit citations. He joined the Army and served honorably in an infantry rifle platoon from June to August, Central Highlands, Vietnam, 1968, encountering contact. He attained the grade of sergeant/E-5 in 21 months of service and he has been named to the Florida Veterans Hall of Fame for his extraordinary service to Veterans.

3. A review of the applicant's service records show:

a. The applicant enlisted in the Regular Army on 11 September 1967. He completed training at Fort Dix, NJ for and was awarded military occupational specialty (MOS) 11B, Light Weapons Infantryman, effective 26 January 1968.

b. His DA Form 20 (Enlisted Qualification Record) shows he served in Vietnam from 22 June 1968 through 21 June 1969. Item 38 (Record of Assignments) – shows he was assigned to:

- Company C, 2d Battalion, 35th Infantry Regiment, from 5 July 1968 through 17 August 1968 in MOS 11B
- Headquarters and Headquarters Company, 4th Infantry Division from 18 August 1968 through 17 June 1969 in MOS 73C

c. On 6 August 1968, the applicant's commander signed a memorandum subject: Physical Profile, stating that the applicant's continued performance in MOS 11B, would be harmful to his health; he is not physically capable of performing duties in his MOS; and recommended his reclassification to different MOS. His DA Form 8-274 (Medical Condition – Physical Profile Record) shows his physical defect as flat feet with limitations of no prolonged walking or standing. The examining physician recommended changing his MOS.

d. Headquarters, 4th Infantry Division Special Orders Number 226, 13 August 1968, awarded him primary MOS 73C (Finance/Accounting Specialist) and withdrew primary MOS 11B (less than 8 months after his award of MOS 11B).

e. Headquarters, 4th Infantry Division, General Orders Number 1763, 17 May 1969, awarded him the Army Commendation Medal for meritorious service in Vietnam during the period June 1968 to June 1969.

f. His DA Form 20 (Enlisted Qualification Record) shows he was awarded: Army Commendation Medal, Army Good Conduct Medal, National Defense Service Medal, Vietnam Service Medal, Republic of Vietnam Campaign Medal with Device (1960), Expert Marksmanship Qualification Badge with Rifle Bar (M-14), and Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16).

g. He was honorably released from active duty on 19 June 1969. He completed 1 year, 9 months, and 9 days of active service, including 11 months and 18 days of foreign service. His DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) shows his MOS as 73C. He was awarded or authorized the:

- National Defense Service Medal
- Army Good Conduct Medal
- Vietnam Service Medal

- Republic of Vietnam Campaign Medal with Device (1960)
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- two overseas service bars

4. There are no Special Orders in his service record that show he was awarded the Combat Infantryman Badge.

5. On 30 October 2020, after reviewing the application and all supporting documents, based on a preponderance of the evidence, the Board also determined partial relief was warranted. The Board considered the applicant's statement, his record of service, the length of time he held MOS' and the criteria for inclusion of specialties on a DD Form 214. Based upon the available documentation, the Board found that the applicant served as 11B in 2/35 IN for one month, prior to his reclassification action to 73C. This period overlapped with the period of eligibility for award associated with the Counteroffensive Phase V campaign. Although this campaign does not appear to involve actions that would have resulted in award of Combat Infantryman Badge, nor is there evidence of the applicant engaging or being engaged by the enemy.

6. On 13 December 2021, the applicant was issued a DD Form 215 (Correction to DD Form 214) that added the following awards to his DD Form 214:

- Army Commendation Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Unit Citation
- four bronze service stars to his Vietnam Service Medal

7. By regulation, there are three requirements for award of the Combat Infantryman Badge:

- the Soldier must be an infantryman satisfactorily performing infantry duties
- the Soldier must be assigned to an infantry unit during such time as the unit is engaged in active ground combat
- the Soldier must actively participate in such ground combat

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The evidence of record shows the applicant was awarded military occupational specialty

(MOS) 11B (Infantryman) on 26 January 1968 and subsequently reclassified his MOS to 73C (Pay Disbursing Specialist) on 13 August 1968 simultaneously withdrawing MOS 11B. The Board noted the applicant's service in Vietnam from 22 June 1968 to 19 June 1969 in the MOS 73C. Additionally, the Board found no evidence to show the applicant served in active ground combat while assigned or attached to an infantry unit. The Board determined the applicant did not meet the criteria for award of the Combat Infantryman Badge and denied relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for amendment of the ABCMR decision rendered in Docket Number AR20200002302 on 30 October 2020.

7/1/2024

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CHAIRPERSON

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. Army Regulation 672-5-1 (Awards), in effect at the time, stated the purpose of awarding badges is to provide for public recognition by tangible evidence of the attainment of a high degree of skill, proficiency, and excellence in tests and competition, as well as in the performance of duties. Paragraph 96 (Combat Infantryman Badge) an individual must be an infantry officer in the grade of colonel or below, or an enlisted man or a warrant officer with infantry MOS, who, subsequent to 6 December 1941, has satisfactorily performed duty while assigned or attached as a member of an infantry unit of brigade, regimental, or smaller size during any period such unit was engaged in active ground combat. Battle participation credit alone is not sufficient; the unit must have been in active ground combat with the enemy during the period.

2. Army Regulation 600-8-22 (Military Awards) provides for award of 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, in effect, that 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.

3. U.S. Army Vietnam (USARV) Regulation 672-1 (Awards and Decorations) governed award of the Combat Infantryman Badge to Army forces operating in South Vietnam. This regulation stated:

a. The criteria for award of the Combat Infantryman Badge identified the man who trained, lived, and fought as an infantryman and that the Combat Infantryman Badge was the unique award established to recognize the infantryman and only the infantryman for his service. Further, "the Combat Infantryman Badge is not an award for being shot at or for undergoing the hazards of day to day combat." This regulation also stated the Combat Infantryman Badge 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.

b. Appendix V of USARV Regulation 672-1 states that during the Vietnam era the Combat Infantryman Badge was awarded only to enlisted individuals who held and served in MOS 11B, 11C, 11D, 11F, 11G, or 11H .

//NOTHING FOLLOWS//