

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 January 2025

DOCKET NUMBER: AR20230011778

APPLICANT REQUESTS:

- award of the combat infantryman badge
- appearance before the Board via video/telephone

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge)

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 as an infantryman in Vietnam, was wounded and awarded the Purple Heart (documented on attached DD Form 214) and reclassified as a clerk/typist prior to his discharge. However, he was never awarded his Combat Infantryman Badge (CIB) for his service while he was on the ground in Vietnam. He would like to have this matter rectified. He was not aware until recently when he applied for benefits through the Veterans Administration (VA) that his Combat Infantryman Badge was not on his DD Form 214.
3. The applicant's records contain sufficient evidence to support additional awards not shown on his DD Form 214. His DD Form 214 for the period ending 7 October 1970 will be administratively corrected in the "Administrative Notes" section without Board action.
4. The applicant's service record shows:
  - a. DA Form 47 (Record of Induction) reflects the applicant was inducted into the Army of the United States on 8 January 1969.

- b. DA Form 20 (Enlisted Qualification Record) shows in
    - item 22: (Military Occupational Specialty (MOS)): 11B (Light Weapons Infantryman) 16 May 1969 and 71B (Clerk Typist) 19 January 1970
    - item 31 (Foreign Service): service in Vietnam from 9 June 1969 through 15 July 1969
    - item 38 (Record of assignments): he was assigned to Company B, 4th Battalion, 21st Infantry, 11th Infantry Brigade, Vietnam
  - c. General Orders 68, 11 July 1969 show the applicant was awarded the Purple Heart in the Republic of Vietnam for actions on 7 July 1969. Reason: for wounds received in connection with military operations against a hostile force.
  - d. The following Special Orders (SO) reflects the applicant MOS as an 11B:
    - SO 5, 8 January 1970:
    - SO 7, 12 January 1970
    - SO 12, 19 January 1970
    - SO 61, 27 March 1970
  - e. He was honorable discharged on 7 October 1970. His DD Form 214 shows he completed 1 year, and 9 months of net active service. His DD Form 214 shows he was awarded or authorized:
    - National Defense Service Medal
    - Vietnam Service Medal
    - Republic of Vietnam Campaign Medal
    - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
    - Army Good Conduct Medal
    - Army Commendation Medal
    - Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
    - Purple Heart
  - f. Letter Orders 12-1379601, 18 December 1974, shows the applicant was discharged from the U.S. Army Reserve, effective 1 January 1975.
  - g. He does not provide special orders to show he was awarded the Combat Infantryman Badge.
5. By regulation (AR 600-8-22-Military Awards), 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

6. The definition of requirement to be "engaged in active ground combat" has been clarified over time as being personally present, under fire, and engaging in action against the enemy in ground forces combat. It is not awarded for battle participation credit.

7. By regulation, (AR 15-185), the ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was 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. Upon review of the applicant's request and available military records, the Board found evidence in the record that show the was engaged in combat which resulted in the applicant being wounded and receiving the Purple Heart. The applicant served as a 11B (Light Weapons Infantryman) and was assigned to Company B, 4th Battalion, 21st Infantry, 11th Infantry Brigade, Vietnam. Based on governing regulation the applicant met the criteria to be awarded the Combat Infantryman Badge (CIB). Therefore, the Board granted relief.

2. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

3. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

In addition to the administrative notes annotated by the Analyst of Record (below the signature), 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 amending the applicant's DD Form 214 for the period ending 7 October 1970, by adding: Combat Infantryman Badge (CIB).

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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 records shows his DD Form 214 omitted administrative entries. As a result, amend the DD Form 214 by:

- Add: two bronze service stars to his already-awarded Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

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 (ABCMR) 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, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. Army Regulation 600-8-22 (Military Awards) states the Combat Infantryman Badge is awarded to infantry officers and to enlisted and warrant officer persons. An Army Soldier must have an infantry military occupational 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. A Soldier must be personally present and under hostile fire while serving in an assigned infantry primary duty, in a unit actively engaged in ground combat with the enemy, to close with and destroy the enemy with direct fires.

4. Additionally, Appendix V of U.S. Army Vietnam (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. The definition of requirement to be "engaged in active ground combat" has generated much dialogue over the years as to the original intent of the CIB. The intent has been clarified over time as being personally present, under fire, and engaging in action against the enemy in ground forces combat. It is not awarded for battle participation credit.

5. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) shows:

a. One bronze service star is authorized for each campaign for combat service within the territorial limits for Vietnam Service Medal.

b. The Department of the Army General Orders 8, 1974, awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation for service in Vietnam to Headquarters, United States Army Vietnam, and its subordinate units during the period 20 July 1965 to 28 March 1973.

//NOTHING FOLLOWS//