

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 24 May 2024

DOCKET NUMBER: AR20230011792

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Transfer or Discharge) to show award of the Purple Heart, Combat Infantryman Badge, and a campaign ribbon.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 20 (Enlisted Qualification Record)
- Honorable Discharge Certificate (United States Army Reserve (USAR))
- Letter, National Personnel Records Center (NPRC)
- Letter, Department of Veterans Affairs (VA)

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 was awarded the Purple Heart at the Hospital in Camp Zama Japan. He was also awarded the Combat Infantryman Badge, and a campaign ribbon which are not listed on his DD Form 214.
3. He served honorably in the Army of the United States from 15 September 1967 to 12 September 1969 and he attained the rank of specialist four (SP4)/E-4.
4. His DA Form 20 (Personnel Qualification Record) contains the following information and entries:
 - a. Block 22 (Military Occupational Specialties (MOS)) shows the applicant was awarded Primary MOS -
 - 11B (Light Weapons Infantryman), effective 9 February 1968

- 64B (Light Vehicle Driver), effective 13 November 1968 (It appears 11B was lined through and this entry was included below)
 - b. Block 29 (Qualification in Arms) shows he qualified with the following weapons -
 - M-14 Rifle, expert, 3 September 1967 (Special Orders Number 283, dated 3 November 1967, awarded him the Expert Marksmanship Qualification Badge with Rifle Bar (M-14))
 - M-60 Machine Gun, expert, 5 December 1967 (Special Orders Number 13, dated 15 January 1968, awarded him the Expert Marksmanship Qualification Badge with Machine Gun Bar (M-60))
 - M-16 Rifle, marksman, 14 December 1967 (Special Orders Number 010, dated 11 January 1968 awarded him the Marksman Marksmanship Qualification Badge with Rifle Bar (M-16))
 - c. Block 31 (Foreign Service) shows he served in Vietnam from 5 March 1968 to 20 May 1968.
 - d. Block 38 (Record of Assignments) shows -
 - (1) He received all excellent conduct and efficiency ratings.
 - (2) He was assigned to Company C, 2nd Battalion (Airborne), 501st Infantry Regiment, Vietnam from 21 March 1968 to 17 May 1968
 - (3) He placed in a patient status at Fort Carson, Colorado on 18 May 1968.
 - e. Block 40 (Wounds) shows he received a gunshot wound to his left foot on 24 April 1968.
5. Letter Order 68-15, Headquarters, United States Army Hospital, Fort Carson, dated 23 May 1968, confirms the applicant was placed on convalescent leave from 24 May to 7 June 1968. His convalescence was from an illness or injury incurred in the line of duty while eligible for receipt of hostile fire pay (HFP).
6. A Request for Military Occupational Specialty (MOS) Change, dated 26 September 1968, and signed by a medical official at Ortho Services, Fort Carson, CO, confirms the applicant's reclassification was recommended. This medical official opined that the applicant's continued performance of duty in his present MOS would unduly aggravate his medical condition, i.e., gunshot wound of the left foot with nerve involvement, L-3 Profile and "COOES" C (no crawling, stooping, running, jumping, prolonged standing or marching,) and no continuous wearing of combat type boots.

7. On 12 September 1969, he was honorably released from active duty and returned to the USAR Control Group (Annual Training) to complete his service obligation. His DD Form 214 lists his MOS as 64B. He completed 1 year, 11 months, and 28 days of net service this period; this service includes 2 months and 26 days of service in Vietnam. Item 24 (Decorations, Medals, Badges, Commendation, Citations and Campaign Ribbons Awarded or Authorized) lists:

- National Defense Service Medal
- Vietnam Service Medal with 1 bronze service star.

9. The Purple Heart and the Combat Infantryman Badge are not listed on his DD Form 214 as authorized awards.

10. The applicant's records do not contain orders or any other documentation showing he was awarded the Purple Heart or Combat Infantryman Badge.

11. The applicant's name does not appear on the Vietnam Casualty Roster.

12. A review of the Awards and Decorations Computer Assisted Retrieval System (ADCARS) maintained by the U.S. Army Human Resources Command Military Awards Branch, an index of general orders issued during the Vietnam era between 1965 and 1973, failed to reveal orders for the Purple Heart pertaining to the applicant.

13. The applicant provided no documentation confirming he exhausted the administrative process by applying to the U.S. Army Human Resources Command (USAHRC) for award of the Purple Heart or Combat Infantryman Badge.

14. A review of the Awards and Decorations Computer Assisted Retrieval System (ADCARS) maintained by the U.S. Army Human Resources Command Military Awards Branch, an index of general orders issued during the Vietnam era between 1965 and 1973, failed to reveal orders for the Purple Heart pertaining to the applicant.

15. The applicant received all excellent conduct and efficiency ratings, and there is no evidence of a commander's disqualification or any other evidence that would disqualify him from award of the Army Good Conduct Medal (1st award).

17. The applicant provided his Honorable Discharge Certificate from the USAR, a letter from NPRC advising him of his options for locating records, and a letter from the VA, confirming he has a service-connected disability with a combined evaluation of 60%. The applicant's submissions were provided to the Board in their entirety.

BOARD DISCUSSION:

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

a. Purple Heart: Deny. The applicant's DA Form 20 shows he received a gunshot wound to his left foot on 24 April 1968. The Board could not ascertain the source of this injury (hostile action, friendly action, or self-inflicted). Given that the applicant's service records were maintained in excellent shape, reflecting his training, education, service, and awards, the Board found it odd that chain of command or hospital did not award him the Purple Heart. As such, the Board determined additional evidence is needed to ensure the injury did in fact result from hostile action.

b. 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 applicant held an infantry MOS and was assigned to an infantry unit in Vietnam. However, in the absence of the circumstances surrounding his injury, the Board found insufficient evidence the applicant actively participated in ground combat while assigned or attached to an infantry unit that was engaged with the enemy in ground combat.

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 15 September 1967 to 12 September 1969 and he attained the rank of SP4/E-4. He completed 1 year, 11 months, and 28 days of total active service. His records do not contain a commander's disqualification for award of the Army Good Conduct Medal. 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:

<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:

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 15 September 1967 through 12 September 1969
- Adding awards of the Army Good Conduct (1st 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 adding the Purple Heart and Combat Infantryman Badge.



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 record shows his DD Form 214, item 24 should be amended by deleting the Vietnam Service Medal with one bronze service star and adding the -

- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal First Class
- Vietnam Service Medal with two bronze service stars
- Republic of Vietnam Campaign Medal with Device (1960)

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 (AR) 600-8-22 prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. This regulation states the:

a. Purple Heart is awarded for a wound sustained while in action against an enemy or as a result of hostile action. Substantiating evidence must be provided to verify that the wound was the result of hostile action, the wound must have required treatment by medical personnel, and the medical treatment must have been made a matter of official record.

b. A bronze service star is authorized with the Vietnam Service Medal award for each Vietnam campaign a member is credited with participating in. The applicant participated in the following two campaigns, and he is authorized two bronze service stars to be worn on the Vietnam Service Medal.

- Tet Counteroffensive, 30 Jan 68-1 Apr 68
- Vietnam Counteroffensive, Phase IV, 2 Apr 68-30 Jun 68

3. Army Regulation (AR) 600-8-22 provides Department of the Army policy, criteria, and administrative instructions concerning individual military decorations, service medals and ribbons, combat and special skill badges and tabs, unit decorations, trophies, and similar devices awarded in recognition of accomplishments. It prescribes the policies and procedures concerning U.S. Army awards to foreign military personnel and foreign decorations to U.S. Army personnel. Paragraph 8-6 provides the criteria for award of the Combat Infantryman Badge. For award of the Combat Infantryman Badge a Soldier must meet the following three requirements:

a. Be an infantry Soldier satisfactorily performing infantry duties.

(1) A Soldier must be an Army infantry or SF officer (CMF or AOC 11 or 18) in the grade of COL/O-6 or below, or an Army enlisted Soldier or warrant officer with an infantry or SF MOS who, subsequent to 6 December 1941, has satisfactorily performed duty while assigned or attached as a member of an infantry, ranger, or SF unit of either a brigade, regimental, or smaller size during any period such unit was engaged in active ground combat.

(2) Eligibility for SF personnel in MOSs 18B, 18C, 18E, 18F, and 18Z (less 18D-SF medical sergeant) accrues from 20 December 1989. Retroactive awards of the Combat Infantryman Badge to SF personnel are not authorized prior to 20 December 1989.

b. Be assigned to an infantry unit during such time as the unit is engaged in active ground combat.

(1) A recipient must be personally present and under hostile fire while serving in an assigned infantry or SF primary duty, in a unit actively engaged in ground combat with the enemy. The unit in question must be a brigade, regiment, or smaller size. For example, personnel possessing an infantry MOS in a rifle squad of a cavalry platoon in a cavalry troop would be eligible for award of the Combat Infantryman Badge. Battle or CPC alone is not sufficient; the unit must have been in active ground combat with the enemy during the period.

(2) Personnel with other than an infantry or SF MOS are not eligible, regardless of the circumstances. The infantry or SF CMF, AOC or MOS does not necessarily have to be the Soldier's primary specialty, as long as the Soldier has been properly trained in infantry or SF tactics, possesses the appropriate skill code, and is serving in that specialty when engaged in active ground combat as described above. Commanders are not authorized to make any exceptions to this policy.

(3) Awards will not be made to general officers or to members of headquarters companies of units larger in size than brigade.

c. Actively participate in such ground combat. Campaign or battle credit alone is not sufficient for award of the Combat Infantryman Badge.

4. Army Regulation 600-8-22 states the Government of Vietnam awarded the Republic of Vietnam Campaign Medal with Device (1960) was by t to all members of the Armed Forces of the United States for qualifying service in Vietnam during the period 1 March 1961 through 28 March 1973. Qualifying service included assignment in Vietnam for 6 months or more. Qualifying service outside the geographical limits of the Republic of

Vietnam required the individual to provide direct combat support to the Republic of Vietnam and Armed Forces. Also eligible for this award are individuals who qualified for award of the Vietnam Service Medal or the Armed Forces Expeditionary Medal and served for less than six months of service but:

- were wounded as a result of hostile action
- were captured by hostile forces but later escaped or were rescued or released
- were killed in action or otherwise in line of duty

5. U.S. Army Vietnam Regulation 672-1 (Decorations and Awards) states:

a. The authority to award the Purple Heart was delegated to hospital commanders. It directed that all personnel treated and released within 24 hours would be awarded the Purple Heart by the organization to which the individual was assigned. Personnel requiring hospitalization in excess of 24 hours or evacuation from Vietnam would be awarded the Purple Heart directly by the commander of the hospital rendering treatment.

b. U.S. Army Vietnam Regulation 672-1 also governed award of the Combat Infantryman Badge to Army forces operating in South Vietnam. This regulation stated that 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/MOS 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.

6. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the unit awards received by units serving in Vietnam. This document shows the unit, 2d Battalion (ABN), 501st Infantry, was cited for award of the:

- Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period 19 April through 15 August 1968 by Department of the Army General Order (DAGO) Number 21, dated 1969.
- Republic of Vietnam Civil Actions Honor Medal, First Class, for the period 18 March 1968 through 2 May 1970, by DAGO 48, dated 1971.

//NOTHING FOLLOWS//