

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 June 2024

DOCKET NUMBER: AR20230012543

APPLICANT REQUESTS: award of the Combat Infantryman Badge.

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), for the period ending 7 October 1970
- Two letters, subject: Roadside Spot-check Inspection, dated 30 September and 6 October 1970

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 while in Vietnam he served with A Company, 3rd Battalion, 8th Infantry, 4th Infantry Division, in a reconnaissance platoon, on a four-man team. He was radio telephone operator on his team. His team was inserted by a bird in the mountains (central highlands) of suspected enemy activity during a 4 day mission. His Combat Infantryman Badge will assist with his Department of Veterans Affairs claim and the award is needed for his records.
3. The applicant provides two letters, issued by his commanding officer, dated, 30 September and 6 October 1970, commending him for his performance while assigned to duty in Germany.
4. A review of the applicant's service records show:
  - a. The applicant was inducted in the Army of the United States on 17 October 1968 and was awarded military occupational specialty (MOS) 11B (Light Weapons Infantryman).

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

(1) item 38 (Record of Assignments) – service in the Vietnam with Company A, 3rd Battalion, 8th Infantry, 4th Infantry Division, Vietnam (6 May to 15 August 1969) in duty MOS 11B with principal duty as a radio telephone operator.

(2) item 41 (Awards, Decorations and Campaigns) – National Defense Service Medal, Vietnam Service Medal, Republic of Vietnam Campaign Medal with Device (1960), and the Marksman Marksmanship Qualification Badge with Rifle Bar (M-16).

c. He was honorably released from active duty on 7 October 1970. He completed 1 year, 11 months, and 18 days of active service, including 1 year and 22 days of foreign service. He was awarded or authorized the:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)

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

### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.

2. The Board noted the applicant would have been eligible for the Combat Infantryman Badge based on his MOS and duty assignment during his service in Vietnam. Unfortunately, the Board found insufficient evidence to confirm the applicant met the third criterion, which is active participation in ground combat with his unit. In the absence of additional evidence confirming his participation in ground combat, the Board determined it would not be appropriate to add Combat Infantryman Badge to his record at this time.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	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 correction of the records of the individual concerned.

12/19/2024

X

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. 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 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.

3. Army Regulation 600-8-22 (Military Awards) provides that 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.

//NOTHING FOLLOWS//