

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 11 June 2024

DOCKET NUMBER: AR20230012709

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), ending on 18 April 1969, to reflect he was awarded the: Bronze Star Medal, Combat Infantryman Badge, Air Medal, and Army Commendation Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 for service ending 18 April 1969

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 in effect, he believes he should be eligible for the Bronze Star Medal, the Combat Infantryman Badge as his Military Occupational Specialty (MOS) was 11B (Infantryman) and he was awarded two Purple Hearts. He believes he earned the Air Medal and an Army Commendation Medal. He went to a Veterans Service Organization for assistance in filing a disability claim for exposure to Agent Orange while serving in Vietnam. The representative told him that based on his DD Form 214 he was eligible for these medals.

3. A review of the applicant's service record shows:

a. On 21 April 1967, the applicant was inducted into the Army of the United States to serve in MOS 11B.

b. The applicant's DA Form 20 (Enlisted Personnel Record) shows in:

- Item 22 (Military Occupational Specialties): 11B (Light Weapons Infantryman).

- Item 31 (Foreign Service): U.S. Army Republic of Vietnam during the period of 5 October 1967 through 4 October 1968.
- Item 38 (Record of Assignments) C Company, 5th Battalion, 60th Infantry Regiment, 9th Infantry Division, D Company, 52nd Infantry (two periods of assignment to the 95th Military Police Battalion).
- Item 40 (Wounds): fragment wound right arm in February 1968.
- Item 41 (Awards and Decorations): National Defense Service Medal, Vietnam Service Medal, Vietnam Campaign Medal with 1960 Devise, and Marksman Marksmanship Qualification Badge with Rifle Bar (M-14)

c. On 18 April 1969, the applicant was honorably released from active duty and transferred to the U.S. Army Reserve Control Group (Annual Training). DD Form 214 shows the applicant completed 1-year, 11-months and 28-days of active service. It also shows in items:

- 23a (Specialty Number and Title): 11B (Light Weapons Infantryman)
- 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):
 - Purple Heart with Oak Leaf Cluster
 - National Defense Service Medal
 - Vietnam Campaign Medal
 - Vietnam Service Medal with two campaign stars
 - Marksman Marksmanship Qualification Badge with Rifle Bar (M-14)
 - Sharpshooter Marksmanship Qualification Badge with Machine Gun Bar (M-60) and Rifle Bar (M-16)
 - Two Overseas Service Bars
 - Army Good Conduct Medal

4. A review of the Awards and Decorations Computer Assisted Retrieval System is void of any evidence the applicant was awarded the Bronze Star Medal, Combat Infantryman Badge, Air Medal, or Army Commendation Medal.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Bronze Star Medal, Army Commendation Medal, and Air Medal: Deny. There are no general orders available showing the applicant was recommended for or awarded these awards. The governing regulation requires a formal recommendation, approval through the chain of command, and announcement in orders for award of the Air Medal,

Army Commendation Medal, and Bronze Star Medal. In the absence of orders or other independent evidence that would confirm he was awarded these personal decorations, there is insufficient evidence upon which to add these awards to his DD Form 214.

b. Combat Infantryman Badge: deny. In order to be awarded the Combat Infantryman Badge (CIB), there are three basic requirements that must be met: 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. The applicant in this case held an infantry MOS and was assigned to an infantry unit in Vietnam. However, there is insufficient evidence in the record, and he provides none that shows he actively participated in ground combat, while assigned to an infantry unit during such time as the unit is engaged in active ground combat. Although he was awarded the Purple Heart with oak leaf cluster, the circumstances of his injuries are unknown.

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:

Except for the correction addressed in Administrative Note(s) below, 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.

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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):

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending April 18, 1969, by adding to item 24:

- 4 bronze service stars (instead of 2) to his already awarded Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Meritorious Unit Commendation

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.

- DD Form 214 service ending April 18, 1969
- DA Form 20 (Enlisted Qualification Record)
- Department of the Army General Orders (DAGO) Number 6, dated 1974
- DAGO Number 54, dated 1968

3. Please correct the applicant's DD Form 214 by deleting and adding the item shown in paragraph 1a and b above. Provide the applicant a copy of the corrections, and as applicable the medals. Please ensure that the corrections are recorded in the applicant's official military personnel record.

REFERENCES:

1. Title 10, USC, 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) 672-5-1 (Awards) in effect at the time, The primary purpose of the awards program is to provide tangible evidence of public recognition for acts of valor and for exceptional service or achievement.

a. Paragraph 31 (Bronze Star Medal), the Bronze Star Medal is awarded to any person who, while serving in any capacity in or with the Army of the United States after 6 December 1941, shall have distinguished himself by heroic or meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy; while engaged in military operations involving conflict with an opposing armed force in which the United States is not a

belligerent party. For meritorious achievement or meritorious service, awards may be made to recognize single acts of merit or meritorious service. The required achievement or service while of lesser degree than that required for the award of the Legion of Merit must nevertheless have been meritorious and accomplished with distinction. For heroism, awards may be made for acts of heroism, performed under circumstances described above, which are of lesser degree than required for the award of the Silver Star. Documents executed since 4 August 1944 in connection with recommendations for the award of decorations of higher degree than the Bronze Star Medal will not be used as the basis for an award.

b. Paragraph 32 (Air Medal), the Air Medal is awarded to any person who, while serving in any capacity in or with the Army of the United States, shall have distinguished himself by meritorious achievement while participating in aerial flight. Awards may be made to recognize single acts of merit or sustained operational activities against an armed enemy, or for heroic acts in, aerial flight. The required achievement, while of lesser degree than that required for the award of the Distinguished Flying Cross, must nevertheless have been accomplished with distinction beyond that normally expected. General Orders will be issued announcing each award of the Air Medal for meritorious achievement and presentation made as each award is approved.

c. Paragraph 33 (Army Commendation Medal), the Army Commendation Medal is awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, shall have distinguished himself by heroism, meritorious achievement or meritorious service. The required meritorious achievement or meritorious service while of lesser degree than that required for the award of the Legion of Merit must nevertheless have been accomplished with distinction and must have been of the same degree as required for the award of the Bronze Star Medal or Air Medal. An award may be made for acts of outstanding courage which do not meet the requirements for an award of the Soldier's Medal.

d. Paragraph 96 (Combat Infantryman Badge), Eligibility requirements; (1) 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 participating credit alone is not sufficient; the unit must have been in active ground combat with the enemy during the period.

//NOTHING FOLLOWS//