

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 July 2024

DOCKET NUMBER: AR20230013061

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of the Bronze Star Medal and Combat Infantryman Badge.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Letter, dated 10 September 2023
- Two Photographs
- DD Form 214, for the period ending 8 October 1969

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 his Bronze Star Medal and Combat Infantryman Badge are missing from his DD Form 214. He wants to be buried at Arlington Cemetery and does not want to be buried without the correction recorded. He notes he included a picture of himself in his U.S. Military Academy, West Point uniform in which you can see his Combat Infantryman Badge protruding from underneath his collar. He also enclosed a picture of his outfit the "Big Red One", his Combat Infantryman Badge with his name tags, and insignia of his rank. The only thing the applicant was given when he left Vietnam, was a green plastic folder containing the Bronze Star Medal Certificate and his Purple Heart.
3. The applicant provides:
 - a. A photo of himself in his U.S. Military Academy, West Point uniform, noting the Combat Infantryman Badge protruding from underneath his collar.

b. A photo of his 1st Infantry Division patch, with his name tags, and insignia of his rank from his uniform.

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

a. On 9 October 1967, he was inducted into the Army of the United States.

b. He served in Vietnam from 29 March 1968 to 13 March 1969.

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

(1) Item 22 (Military Occupational Specialty), 11C Indirect Fire Infantryman.

(2) Item 38 (Record of Assignments), 1st Infantry Division while in Vietnam.

(3) Item 41 (Awards and Decorations), the absence of entries indicating the applicant was awarded the Bronze Star Medal and Combat Infantryman Badge.

d. The service record is void of orders awarding the applicant the Bronze Star Medal and Combat Infantryman Badge.

e. He was honorably released from active duty on 8 October 1969. His DD Form 214 shows he completed 2 years of total active service. It also shows he was awarded or authorized the:

- National Defense Service Medal
- Vietnam Service Medal
- Purple Heart
- Republic of Vietnam Campaign Medal
- Republic of Vietnam Gallantry Cross with Palm
- Army Commendation Medal
- Good Conduct Medal

5. A review of the applicant's record confirms he held an infantry military occupational specialty, was assigned to an infantry unit, and was personally present and actively participated in ground combat with his infantry unit during such time as the unit was engaged in active ground combat.

6. A review of the applicant's record confirms he is eligible for unit awards that are not recorded on his DD Form 214. The entries will be added to his DD Form 214 as administrative corrections and will not be considered by the Board.

7. By regulation (AR 600-8-22), to be awarded the Combat Infantryman Badge, the recipient must meet the following criteria:

- be an infantryman satisfactorily performing infantry duties
- assigned to an infantry unit during such time as the unit is engaged in active ground combat
- actively participate in such ground combat; campaign or battle credit alone is not sufficient

8. By regulation (AR 672-5-1) the Bronze Star Medal may have been awarded for heroism or for meritorious achievement or service which did not involve aerial flight, but which was performed in connection with military operations against an armed enemy including combat, support, and supply operations.

BOARD DISCUSSION:

1. 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 and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined the applicant's record is void of and he provided insufficient documentation to indicate that his chain of command approved or that the applicant was ever awarded the requested Bronze Star Medal. The Board agreed that regulatory guidelines stipulate that approval through the chain of command, and announcement in orders are required for award of all personal decorations and formal recommendations.

2. The Board noted the applicant served as a 11C Indirect Fire Infantryman and was assigned to 1st Infantry Division while in Vietnam. However, the Board found insufficient evidence that demonstrated the applicant' infantry unit was engaged in active ground combat. This board is not an investigative body. The Board determined despite the applicant's records, they agreed the burden of proof rest on the applicant, however, he did not provide any sufficient documentation and his service record has insufficient evidence to support the applicant contentions for award of the combat infantryman badge. Therefore, the Board denied relief.

3. 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.

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 Board found 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.



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 records show he is authorized additional awards not annotated on his DD Form 214. As a result, amend his DD Form 214 by adding:

- Meritorious Unit Commendation
- Republic of Vietnam Civil Actions Honor Medal

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 states to be awarded the Combat Infantryman Badge, the recipient must meet the following criteria:
 - be an infantryman satisfactorily performing infantry duties
 - assigned to an infantry unit during such time as the unit is engaged in active ground combat
 - actively participate in such ground combat; campaign or battle credit alone is not sufficient
3. Army Regulation 672-5-1 (Decorations and Awards) governed the military awards program in Vietnam during the Vietnam War. It stated the Bronze Star Medal may have been awarded for heroism or for meritorious achievement or service which did not involve aerial flight, but which was performed in connection with military operations against an armed enemy including combat, support, and supply operations. The approval authority for award of the Bronze Star Medal was generally delegated no lower than brigadier generals in command of separate brigades. However, the records of the Awards Branch of the U.S. Army Human Resources Command show that authority for award of the Bronze Star Medal for service had been delegated to colonels in command of the U.S. Army Support Commands located at Saigon, Cam Ranh Bay, and Qui Nhon and in command of separate engineer brigades in Vietnam assigned to the U.S. Army Engineer Troops (Provisional).
4. Department of the Army General Orders Number 43, dated 1970, awarded the Meritorious Unit Commendation to Headquarters & Headquarters Company 1st Infantry Division Support Command, for service in Vietnam for the period of 1 August 1967 to 28 February 1969.
5. Department of the Army General Orders Number 53, dated 1970, awarded the Republic of Vietnam Civil Actions Honor Medal, First Class to Headquarters & Headquarters Company 1st Infantry Division Support Command, for service in Vietnam for the period of October 1965 to 7 April 1970.

//NOTHING FOLLOWS//