

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 October 2024

DOCKET NUMBER: AR20230013084

APPLICANT REQUESTS: in effect, award of the Combat Infantryman Badge.

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

- DD Form 149, Application for Correction of Military Record
- Orders showing military occupational specialty (MOS) 11B, light weapons infantryman (listed but not attached)

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 that he served in the Republic of Vietnam (RVN) during the period April 1968 through April 1969 but was not awarded the Combat Infantryman Badge.

3. The applicant was inducted into the Army of the United States on 17 October 1967. He was awarded the MOS 11B on 8 March 1968. His DA Form 20, Enlisted Qualification Record, shows:

a. he served in Vietnam from 6 April 1968 to 5 April 1969.

b. from 21 April 1968 to 30 June 1968, he was assigned to Company C, 307th Engineer Battalion, 82nd Airborne Division, Vietnam. His duty MOS is shown as MOS 12A, light truck driver.

c. from 1 July 1968 to 24 July 1968 he was assigned to Company C, 307th Engineer Battalion, 3rd Brigade, 82nd Airborne Division, Vietnam. His duty MOS is shown as MOS 71H, personnel specialist.

d. On 10 July 1968, he was awarded the primary MOS of 71H and the secondary MOS of 11B.

e. from 26 July 1968 to 30 March 1969 he was assigned to Company C, 307th Engineer Battalion, 3rd Brigade, 82nd Airborne Division, Vietnam. His duty MOS is listed as 71H, company clerk.

f. he departed the RVN on 31 March 1969.

g. the Combat Infantryman Badge is not listed in Item 41, Awards and Decorations of the DA Form 20.

7. The applicant was honorably released from active duty on 16 October 1969. He completed 2 years of net active service of which 1 year was credited as foreign service. His DD Form 214 confirms his primary MOS was 71H and he was awarded or authorized:

- Bronze Star Medal
- Army Commendation Medal
- Army Good Conduct Medal
- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal with Device "1960"
- Marksman Marksmanship Qualification Badge (Rifle)

8. By regulation, there are basically 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. (Campaign or battle credit alone is not sufficient for award of the Combat Infantryman Badge)

9. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

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. Award of the Combat Infantryman Badge requires the Soldier to meet three requirements: infantry MOS, infantry unit, and actively present during unit engagement with the enemy. The applicant held MOS 11B and MOS 71H. He served in Vietnam from April 1968 to April 1969. However, he was assigned to Engineer Battalion, which is a non-qualifying unit for award of the Combat Infantryman Badge. Additionally, the Board did not find documentary evidence of at least one encounter where the applicant actively participated in ground combat while assigned to an infantry unit during such time as the unit is engaged in active ground combat.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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): correct his DD Form 214, ending 6 September 1968 by deleting the Vietnam Service Medal, and adding the –

- Meritorious Unit Commendation
- Vietnam Service Medal with four bronze service stars
- RVN Gallantry Cross with Palm Unit Citation
- RVN Civil Actions Honor Medal First Class 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 Army Board of Correction of Military Records 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. Title 32, Code of Federal Regulation, National Defense, section 578.69, Combat Infantryman Badge, contains the specific eligibility requirements for award of the Combat Infantryman Badge.

a. There are basically three requirements for award of the Combat Infantryman Badge:

(1) The Soldier must be an infantryman satisfactorily performing infantry duties.

(2) Must be assigned to an infantry unit during such time as the unit is engaged in active ground combat.

(3) Must actively participate in such ground combat. (Campaign or battle credit alone is not sufficient for award of the Combat Infantryman Badge.)

b. The specific eligibility criteria for the Combat Infantryman Badge requires that:

(1) A Soldier must be an Army infantry or special forces officer (SSI 11 or 18) in the grade of colonel or below, or an Army enlisted Soldier or warrant officer with an infantry or Special Forces Military Occupational Specialties (MOS), who, subsequent to December 6, 1941, has 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. Eligibility for

Special Forces personnel in MOS 18B, 18E, 18F, and 18Z (less Special Forces medical sergeant) accrues from December 20, 1989. Retroactive awards of the Combat Infantryman Badge to Special Forces personnel are not authorized prior to December 20, 1989.

(2) A recipient must be personally present and under hostile fire while serving in an assigned infantry or Special Forces primary duty, in a unit actively engaged in ground combat with the enemy. The unit in question can be of any size smaller than brigade. 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 campaign participation credit alone is not sufficient; the unit must have been in active ground combat with the enemy during the period.

(3) Personnel with other than an infantry or Special Forces MOS are not eligible, regardless of the circumstances. The infantry or Special Forces SSI 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 Special Forces 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.

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

3. U.S. Army Vietnam Regulation 672-1, Awards and Decorations, in effect at the time, 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. Appendix V of this regulation stated 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.

4. The Vietnam Service Medal is awarded to all members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through 28 March 1973. A bronze service star will be awarded for wear on the Vietnam Service Medal for participation in each credited campaign. A silver service star is authorized in lieu of five bronze service stars. The applicant participated in the following four campaigns:

- Vietnam Counteroffensive, Phase IV, 2 April 1968 -30 June 1968

- Vietnam Counteroffensive, Phase V, 1 July 1968 – 1 November 1968
- Vietnam Counteroffensive, Phase VI, 2 November 1968 – 22 February 1969
- TET 69 Counteroffensive, 23 February 1969 – 8 June 1969

5. Department of the Army Pamphlet 672-3, Unit Citation and Campaign Participation Credit Register, lists the awards received by units serving in Vietnam. This pamphlet shows Company C, 307th Engineer Battalion was cited for award of the:

a. Meritorious Unit Commendation for the period 16 September 1968 to 31 July 1969, by Department of the Army General Orders (DAGO) Number 39, 1970.

b. RVN Gallantry Cross with Palm Unit Citation for the period 6 October 1968 to 11 November 1969 by DAGO Number 43, 1970.

c. RVN Civil Actions Unit Citation, First Class for the period 12 March 1968 to 4 October 1968 by DAGO Number 48, 1971.

6. AR 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. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//