

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 July 2024

DOCKET NUMBER: AR20230013184

APPLICANT REQUESTS: in effect, correction to DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 7 September 1971 to show he was awarded the Combat Infantryman Badge (CIB) and the Air Medal (AM) for his service in Vietnam.

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

- DD Form 149 (Application for Correction of Military Record)
- The AM Certificate, dated 27 March 1970
- General Orders Number 3572, dated 27 March 1970
- DD Form 214 for the period ending 7 September 1971

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 requests the issue of a DD Form 215 (Correction to DD Form 214) that shows he was awarded the CIB and the AM for his service in Vietnam. The missing award and badge were discovered during the review of his records by his county's Veterans Service Officer (VSO). He is a combat Veteran and feels that his record should accurately reflect his service.
3. The applicant provided the certificate issued awarding him the AM on 27 March 1970, for meritorious achievement while participating in aerial flight in the Republic of Vietnam from 6 January 1970 to 5 February 1970.
4. The applicant is authorized additional awards not currently listed on his DD Form 214. These awards will be administratively corrected in the "Administrative Notes" section of this document without the need for Board action and will not be discussed further in these proceedings.

5. The applicant's service record reflects the following:

a. DD Form 47 (Record of Induction) shows he was inducted into the Army of the United States on 8 September 1969.

b. General orders number 3572, dated 27 March 1970, reflect he was awarded the Air Medal for the period of 6 January 1970 to 5 February 1970. This award is not reflected in the applicant's DD Form 214; therefore, it will be administratively corrected in the "Administrative Notes" section of this document without Board action and will not be discussed further in these proceedings.

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

- item 22 (Military Occupational Specialties): 11B Light Weapons Infantryman
- item 31 (Foreign Service): 5 February 1970 through 21 July 1970 U.S. Army Pacific (USARPAC)-Vietnam five months
- item 33 (Appointments and Reductions) this document shows consecutive promotions and does not reflect any reductions in rank
- item 38 (Record of Assignments): He was assigned to Delta Company, 3rd Battalion, 22nd Infantry, 25th Infantry Division, USARPAC from 23 January 1970 to 12 July 1970. He was later assigned to the Military Health Clinic, United States Army Hospital, USARPAC as a patient from 13 July 1970 to 21 July 1970
- item 38 (con't): he received all excellent ratings in conduct and efficiency
- item 40 (Wounds): Multiple fragment wounds (MFW) to his legs, dated 9 July 1970
- item 41 (Awards and Decorations): National Defense Service Medal (NDSM), Vietnam Service Medal (VSM), the Army Commendation Medal (ARCOM) with V device, Purple Heart (PH), the Bronze Star Medal (BSM), however this document does not reflect the CIB

d. The applicant's service record does not reflect any misconduct or disciplinary actions.

e. His DD Form 214 shows he was honorably released from active duty on 7 September 1971 and was transferred to the U.S. Army Reserve (USAR). He completed 2 years, 0 months, 0 days of net service during this period. This document further reflects in:

- item 22c (Foreign and/or Sea Service): 0 years, 5 months, 17 days

- item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized): VSM with two bronze service stars, NDSM, Republic of Vietnam Campaign Medal (VCM), BSM, PH, ARCOM with V device, Expert (Hand Grenade) Marksman (Rifle), does not reflect the CIB
- item 30 (Remarks): "Service in Vietnam from 5 February 1970 through 21 July 1971"

f. DA Form 1577 (Authorization of Issuance of Awards), dated 22 March 1985, shows he was issued the following awards: BSM, ARCOM with V device, PH, NDSM, VSM, VCM. This document does not reflect the CIB.

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

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was 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 found evidence in the record that show the was engaged in combat which resulted in the applicant being wounded, he served as a 11B Light Weapons Infantryman and was assigned to Delta Company, 3rd Battalion, 22nd Infantry, 25th Infantry Division, USARPAC. Based on governing regulation the applicant met the criteria to be awarded the Combat Infantryman Badge (CIB).

2. During deliberation the Board noted the applicant's service record did not reflect he was awarded the Army Good Conduct Medal (1st Award) and his record shows he received "excellent" conduct and efficiency ratings throughout his service for the period of 8 September 1969 to 7 September 1971. Based on this the Board granted relief for correction of the applicant's record to show he was awarded the CIB and the Army Good Conduct Medal.

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:

Mbr 1 Mbr 2 Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

In addition to the administrative notes annotated by the Analyst of Record (below the signature), 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 amending the applicant's DD Form 214 for the period ending 7 September 1971 by adding: in item 24 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized):

- Combat Infantryman Badge (CIB)
- and
- Award him the Army Good Conduct Medal (1st Award) for exemplary service from 8 September 1969 to 7 September 1971 and adding the medal to his DD Form 214 for the period ending 7 September 1971.

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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):

A review of the applicant's records shows he is authorized additional awards not listed on his DD Form 214. As a result, amend his DD Form 214 by amending item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) to show he was authorized the following awards:

- The Air Medal, pursuant to general orders 3572, dated 27 March 1970
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Overseas Service Ribbon
- Meritorious Unit Commendation
- VSM with three bronze service stars
 - Vietnam Winter-Spring 1970
 - Sanctuary Counter offensive 1970
 - Vietnam Counteroffensive, Phase VII 1970-1971

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 (Decorations, Awards and Honors Military Awards), in effect at the time, states the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940; for first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; and, for the first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year. The enlisted person must have had all "excellent" conduct and efficiency ratings. Ratings of "Unknown" for portions of the period under consideration were not disqualifying. There must have been no convictions by a court-martial. However, there was no right or entitlement to the medal until the immediate commander made a positive recommendation for its award and until the awarding authority announced the award in general orders.

3. Army Regulation 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The CIB is authorized to Soldiers when the three requirements are 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. Specific requirements state 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.

b. The Overseas Service Ribbon was established by the SECARMY on 10 April 1981 as announced in AGO 1990–15. It is awarded to Soldiers of the U.S. Army for successful completion of overseas tours. Effective 1 August 1981, all Soldiers of the Regular Army, ARNG, and USAR in an active Reserve status are eligible for this award. The ribbon may be awarded retroactively to those personnel who were credited with successful completion of an overseas tour before 1 August 1981 provided, they had a Regular Army status as defined above on or after 1 August 1981. Soldiers must be credited with a successful completion of an overseas tour. Qualifying overseas service with another branch of the U.S. Armed Forces will be recognized with the OSR.

4. Department of the Army Pamphlet 672-3 (Unit and Campaign Participation Credit Register) shows:

a. A bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign. During his service in Vietnam, the applicant participated in the following campaigns:

- Vietnam Winter-Spring 1970, 1 November 1969 – 30 April 1970
- DA Sanctuary Counteroffensive, 1 May 1970 – 30 June 1970
- Vietnam Counteroffensive, Phase VII, 1 July 1970 – 30 June 1971

b. Department of the Army General Orders Number 8, dated 1974, announced award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Army Vietnam, and its subordinate units for the period 20 July 1965 to 28 March 1973.

c. Table 11, 25th Infantry Division reflects the unit was awarded the Meritorious Unit Commendation for the period 1 November 1968 to 30 June 1970, pursuant to Department of the Army General Order 51, dated 1971.

5. Army Regulation 635-5 (Separation Documents) in effect at the time, states that the DD Form 214 will reflect the conditions and circumstances that existed at the time the records were created. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form be complete and accurate and reflects the conditions as they existed at the time of separation.

6. Army Regulation 15-185 (Army Board for Correction of Military Records) 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 applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//