

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 August 2024

DOCKET NUMBER: AR20230013655

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

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

- DD Form 149 (Application for Correction of Military Record)
- Three Medical Records
- Clinical Medical Record Coversheet
- Clinical Record
- DA Form 3349 (Medical Condition-Physical Profile Record)
- Two Letters, Headquarters 1st Infantry Division (Mechanized), Fort Riley, KS
- 1st Indorsement, Headquarters, U.S. Army RYUKYU Islands
- Orders 75, Headquarters 1st Infantry Division (Mechanized), Fort Riley, KS
- DD Form 214 ending on 9 April 1971
- DA Form 66 (Officer Qualification Record)
- Department of Veterans Affairs (VA) Rating Decision

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 believes he meets the criteria for award of the Combat Infantry Badge. He was in active combat in Vietnam, and he received the Purple Heart for being injured by enemy forces. He was a first lieutenant (1LT) Platoon Leader, assigned to Company A, 1st Battalion, 12th Infantry, 4th Infantry Division.
3. On 28 April 1969, the applicant was appointed a Reserve commissioned officer of the Army in military specialty 1542 (Infantry). He executed an oath of office, and entered active duty on the same date.

4. The applicant's DA Form 66 (Officer Qualification Record) show he was awarded area of concentration (or military occupational specialty) 1542, Infantry Unit Commander on 28 April 1969
5. A DA Form 2496 (Disposition Form), dated 1 August 1969, shows the applicant met the criteria for award of military specialty 2622 (Training Center Unit Officer), and he had been performing duties in this specialty since 14 May 1969. On 6 August 1969, he was awarded military specialty 2622 (Training Center Unit Officer).
6. On 25 October 1969, he was assigned to the Republic of Vietnam (RVN), in military specialty 1542 (Infantry). He was assigned to Company A, 1st Battalion, 12th Infantry Regiment.
7. On 4 January 1970, he was wounded in action. Initially, he was medically evacuated to Camp Zama, Japan, on 8 January 1970 and later to Medical Holding Company at the U.S. Army Hospital, Fort Riley, KS.
 - a. He sustained multiple fragment wounds to the right shoulder, back, and right leg with post ligation of posterior tibial artery, right. He was hit by B-40 rocket on or about 2100 hours on 4 January 1970 near An Loe Valley, Vietnam, while assigned to A company, 1st Battalion, 12th Infantry.
 - b. He also sustained an open fracture to the right fibula and tibia.
8. General Orders Number 5, issued by Headquarters, 67th Evacuation Hospital, on 5 January 1970, awarded him the Purple Heart for wounds received in action on 4 January 1970.
9. A letter from the Office of Personnel Operations, Fort Benjamin Harrison, IN, subject: Tentative Selection for Appointment as a Commissioned Officer in the United States Army Reserve (USAR), dated 2 April 1970, shows he was tentatively selected for appointment as a Chief Warrant Officer (CW2), in the Signal Corps, Aviation Branch, in military specialty "1981."
10. Special Orders Number 83, issued by Headquarters Medical Department Activity, Fort Riley, on 28 April 1970, promoted the applicant to 1LT (first lieutenant), in military specialty 1542, effective this date.
11. Special Orders Number 119, issued by Headquarters, Fort Riley, on 11 June 1970, attached the applicant to Headquarters and Headquarters Company, U.S. Army Garrison, for all purposes for duty as Platoon Leader, in "DMOS: 1542."

12. The applicant's record contains two letters, from Headquarters 1st Infantry Division (Mechanized), Fort Riley, KS, written to: 4th Inf Division Awards & Decorations Branch on 3 December 1970 and a second written to the USARYIS Records Center (Japan), on 11 February 1971, attempting to confirm the applicant's award of the Combat Infantryman Badge. The responses are not available.

13. On 9 April 1971, he was honorably released from active duty in the rank of 1LT. His DD Form 214 shows he completed 1 year, 11 months, and 11 days of net service this period. This included 10 months and 16 days of other service, and 2 months and 24 days in Vietnam. His DD Form 214 shows he was awarded or authorized the:

- National Defense Service Medal
- Purple Heart
- Vietnam Service Medal
- RVN Campaign Medal with Device (1960)

14. He is authorized awards that are not listed on his DD Form 214 that will be addressed in the Administrative Notes portion of this Record of Proceedings.

15. There are no orders in the available evidence awarding him the Combat Infantryman Badge.

16. The applicant claimed entitlement to the Combat Infantryman Badge in 1970 and 1971. The record is unclear as to why his record was not corrected to show 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 that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the request and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's request and available military records the Board determined there is sufficient evidence to show the applicant was engaged in combat which resulted in the applicant being wounded, he was appointed a Reserve commissioned officer of the Army in military specialty 1542 (Infantry) and was assigned to assigned to Company A, 1st Battalion, 12th Infantry Regiment. Based on governing regulation the applicant met the criteria to be awarded the Combat Infantryman Badge (CIB). Therefore, the Board granted relief.

2. 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 relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by adding in item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) Combat Infantryman Badge (CIB).

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. AR 635-5 (Separation Documents), in effect at the time, stated the DD Form 214 was to list all decorations, service medals, campaign credits, and badges awarded or authorized.
2. As a result, amend his DD Form 214, ending 9 April 1971, by:
 - Deleting the Vietnam Service Medal
 - Adding the Vietnam Service Medal with 2 bronze service stars and the RVN Gallantry Cross with Palm 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 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 600-8-22 (Military Awards) states:
 - a. The Combat Infantryman Badge, is currently, awarded to infantry officers and to enlisted and warrant officer persons who have an infantry MOS. They must have served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or smaller size. U.S. Army Vietnam Regulation 672-1 (Decorations and Awards), previously in effect, provided for award of the Combat Infantryman Badge to infantry personnel who were members of infantry platoons and squads in armored cavalry squadrons and regiments.
 - b. The Vietnam Service Medal is awarded 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. Approved campaigns between 25 October 1969 and 19 January 1970 included:
 - Vietnam Counteroffensive, Phase VI, 2 November 1968-22 February 1969
 - TET 69 Counteroffensive, 23 February 1969-8 June 1969
3. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) provides that Department of the Army General Orders Number 8, dated 1974, announced award of the RVN Gallantry Cross with Palm Unit Citation to

Headquarters, U.S. Military Assistance Command and its subordinate units during the period 8 February 1962 to 28 March 1973 and to Headquarters, U.S. Army Vietnam and its subordinate units during the period 20 July 1965 to 28 March 1973.

//NOTHING FOLLOWS//