

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 September 2024

DOCKET NUMBER: AR20230013870

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the service period ending 3 November 1971 to reflect:

- Purple Heart
- Combat Infantryman Badge (CIB)

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

- Two DD Forms 149 (Application for Correction of Military Record)
- Purple Heart Certificate dated 11 December 1970
- Letter from National Personnel Records Center (NPRC) dated 30 January 2024
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) ending 3 November 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 was issued a Purple Heart on 11 December 1970 for wounds he received on 7 December 1970 while serving in the Republic of Vietnam and he should have been awarded the Combat Infantryman Badge at that time as well.
3. The applicant provides:
  - a. A Purple Heart Certificate issued to him on 11 December 1970 for wounds he received in action on 7 December 1970 while serving in the Republic of Vietnam.
  - b. A letter response to the applicant from NPRC dated 30 January 2024, detailing to him their authority for the approval or amendments to his military records. NPRC and

further recommended he complete a DD Form 149 and submit the form to ABCMR for action.

c. His DD Form 214, for the service period ending 3 November 1971, to be referenced in the service record.

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

a. He was inducted into the Army of the United States on 26 August 1969. He was trained in and held military occupational specialty 11B, Light Weapons Infantryman.

b. His DA Form 20 (Enlisted Qualification Record) shows he was assigned to Company A and Company E, 2nd Ranger Battalion (Airborne), 503rd Infantry 173rd Airborne Brigade and served in Vietnam from on or about 6 October 1970 until on or about 21 December 1970. It also shows:

- Item 38 (Record of Assignments): all excellent conduct and efficiency ratings
- Item 40 (Wounds): Punji Stake Wound Right Leg – 7 December 1970
- Item 41 (Awards and Decorations): National Defense Service Medal, Parachutist Badge, Ranger Tab, Vietnam Service Medal, Republic of Vietnam Campaign Medal with device (1960)

c. General Orders #244 dated 9 December 1970, awarded the applicant the Purple Heart for wounds he received in action on 7 December 1970

d. The service record includes a Standard Form (SF) 502 dated 16 August 1971 which indicates he received treatment for his wound from a pungi stick sustained on 7 December 1970, in the Republic of Vietnam.

e. The SF 88 (Report of Medical Examination) dated 16 August 1971 shows the applicant underwent a medical examination for the purpose of a medical board and was marked not qualified for military service.

f. On 3 November 1971, he was honorably discharged from active duty and was placed on the Temporary Disability Retired List (TDRL). His DD Form 214 shows he completed 2 years, 2 months, and 8 days of active service and 2 months and 16 days of foreign service. It also shows:

- Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized): National Defense Service Medal, Parachutist Badge, Ranger Tab, Vietnam Service Medal, Republic of Vietnam Campaign Medal with device (1960)
- Item 30 (Remarks): Vietnam Service 6 October 1970 – 21 December 1970

g. The service record is void of documentation awarding the applicant the Combat Infantryman Badge.

5. A review of the applicant's service record shows awards were omitted from 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.

6. By regulation (AR 672-5-1):

a. The Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active service, 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 and there must be no convictions by a court-martial. The applicant's record is void of documentation awarding him the Army Good Conduct Medal. He meets the criteria for this award in that:

- he received good or excellent conduct and efficiency ratings during his periods of active service (he received an unknown rating from 29 December 1969 to 4 January 1970)
- he served honorably and without disciplinary action for 2 years, 2 months, and 8 days
- there is no record of a court-martial in his service record

b. For award of the Combat Infantryman Badge, a Soldier must meet the following three requirements:

- 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

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Purple Heart: Grant. General Orders awarded the applicant the Purple Heart for wounds received in action in Vietnam. This award is not listed on his DD Form 214. It should be.

b. As a related award, although not specifically requested, the Board noted that the applicant served continuously on active duty from 26 August 1969 to 3 November 1971 completing a total of 2 years, 2 months, and 8 days of continuous active duty service. He received excellent conduct and efficiency ratings. His record does not reflect any lost time or any derogatory information that would have disqualified him from receiving his first award of the Army Good Conduct Medal, or a commander's disqualifying memorandum for this award. The Board determined he met the criteria to be awarded the Army Good Conduct Medal (1st Award).

c. Combat Infantryman Badge: Deny. The Board noted that the applicant held an infantry MOS and served in Vietnam with an infantry unit. The Board also noted that he was wounded by a pungi stick on 7 December 1970 in Vietnam. However, the Board did not find documentary evidence of at least one encounter where the applicant actively participated in ground combat while assigned or attached to an infantry unit during such time as the unit is engaged in active ground combat.

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:

1. In addition to the correction addressed in Administrative Note(s) below, 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:

- awarding the applicant the Army Good Conduct Medal (1st Award) for service during the period 26 August 1969 through 3 November 1971
- adding awards of the Purple Heart and Army Good Conduct (1st Award) to his DD Form 214

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to awarding him the Combat Infantryman Badge.

[REDACTED]

[REDACTED]

[REDACTED]

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 for the service period ending 3 November 1971. As a result, amend his DD Form 214 to show:

- Republic of Vietnam Gallantry Cross Unit Citation with Palm Unit Citation
- Republic of Vietnam 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 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) prescribes Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards. The Combat Infantryman Badge is awarded to infantry officers and to enlisted and warrant officer persons who have an infantry military occupational specialty (MOS). They must have served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or smaller size. Additionally, Appendix V of U.S. Army Vietnam (USARV) Regulation 672-1 states 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.

3. Army Regulation 672-5-1 (Awards – Decorations, Awards, and Honors), in effect at the time, provides Army policy, criteria, and administrative instructions concerning individual military decorations.

a. 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. Service school efficiency ratings based upon academic proficiency of at least "Good" rendered subsequent to 22 November 1955 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.

b. For award of the Combat Infantryman Badge, a Soldier must meet the following three requirements:

- 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

4. Department of the Army Pamphlet 672-3 (Unit Citations and Campaign Participation Credit Register) assist commanders and personnel officers in determining or establishing the eligibility of individual members for campaign participation credit, assault landing credit, and unit citation badges awarded during the Vietnam Conflict.

a. Department of the Army General Orders (DAGO) Number 5, dated 1973, awarded the Republic of Vietnam Civil Actions Honor Medal to 2d Battalion, 503rd Infantry and subordinate units for service in Vietnam for the period of 15 April 1969 to 16 March 1971.

b. Department of the Army General Orders (DAGO) Number 8, dated 1974, awarded the Republic of Vietnam Gallantry Cross Unit Citation with Palm to Headquarters, United States Army Vietnam, for service in Vietnam for the period of 20 July 1965 to 28 March 1973.

//NOTHING FOLLOWS//