

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 September 2024

DOCKET NUMBER: AR20230014382

APPLICANT REQUESTS:

- award of the Combat Infantryman Badge
- in effect, add his previously awarded Army Good Conduct Medal (1st Award) to his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge)
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Extract, DA Form 20 (Enlisted Qualification Record)

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 in accordance with the Code of Federal Regulations (CFR), Title 32 (National Defense), section 578.69 (Combat Infantryman Badge), he is clearly entitled to the Combat Infantryman Badge.

a. The applicant argues his service records show that, between January and June 1971, he served along the Korean DMZ (demilitarized zone) was assigned to the 2nd Battalion, 9th Infantry Regiment, 2nd Infantry Division. During this period, he and his unit encountered hostile fire from North Korean infiltrators, and the applicant personally used ground radar to track the enemy and direct infantry engagements.

b. The applicant maintains he meets all of the requirements for the award of the Combat Infantryman Badge; additionally, he notes his 2nd Infantry Division unit awarded him the Army Good Conduct Medal while he served as a military policeman

(MP), but this award does not appear in his records. (The applicant does not provide a copy of the orders awarding him the Army Good Conduct Medal).

c. In support of his request, the applicant provides an extract from his DA Form 20, which indicates that, during the period 16 January to 7 June 1971, he was assigned to the 2nd Battalion, 9th Infantry Regiment, 2nd Infantry Division. The form additionally shows that, while assigned to the infantry battalion, his duty military occupational specialty (MOS) as 17K (Ground Surveillance Radar Crewman). Effective 25 September 1971, the applicant's duty MOS was 95B (Military Police).

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

a. On 20 August 1970, the applicant enlisted into the Regular Army

b. Effective 8 June 1971, the applicant served in the Eighth U.S. Army Honor Guard; on or about 25 September 1971, the applicant returned to the 2nd Infantry Division and served as an MP in the 2nd MP Company. On 8 December 1971, 2nd Infantry Division Special Orders awarded the applicant MOS 17K20 with additional skill identified "U9."

c. On or about 19 February 1972, the applicant completed his tour in Korea and orders transferred him to Fort Lewis, WA for separation processing.

d. On 20 February 1972, he was released from active duty, based on an early release policy, and transferred him to the U.S. Army Reserve. His DD Form 214 shows he completed 1 year, 6 months, and 1 day of active service. Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) shows the National Defense Service Medal, Armed Forces Expeditionary Medal, and a marksmanship qualification badge.

e. The applicant's available service record contains no derogatory information. Additionally, his service record is void of General Orders awarding the Army Good Conduct Medal. His DA Form 20 reflects the following:

- item 33 (Appointments and Reductions) – Applicant's leadership progressively promoted him until he attained the rank/grade of specialist four (SP4)/E-4; no entries show a reduction in rank
- item 38 (Record of Assignments – Conduct/Efficiency) – Applicant received "Excellent" ratings throughout his term of active duty
- item 41 (Awards and Decorations) – Army Good Conduct Medal is not listed

4. Section 578.69 of 32 CFR states:

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

- (1) The Soldier must be an infantryman satisfactorily performing infantry duties.
- (2) (The Soldier) must be assigned to an infantry unit during such time as the unit is engaged in active ground combat.
- (3) (The Soldier) must actively participate in such ground combat.

b. The specific eligibility criteria for the Combat Infantryman Badge include that the Soldier must be holding an infantry or Special Forces MOS. Personnel with other than infantry or Special Forces MOS are not eligible, regardless of the circumstances.

5. AR 15-185, currently in effect, states an applicant is not entitled to a hearing before the Board; however, the request for a hearing may be authorized by a panel of the Board or by the Director of ABCMR.

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 Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy, and regulation. Upon review of the applicant's petition and available military records, the Board determined there was sufficient evidence, including his service from 20 August 1970 to 20 February 1972, a period of 1 year, 6 months, and 1 day with excellent conduct and efficiency ratings annotated on his DA Form 20 and not record of court-martial proceedings. Based on this, the Board granted relief to correct the applicant's record to reflect award of the Army Good Conduct Medal (First Award).

2. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The evidence of record shows the applicant held military occupational specialty (MOS) 17K (Ground Surveillance Radar Crewman). The applicant served in Korea from 11 January 1971 to 18 February 1972. The Board determined he does not meet the criteria for award of the Combat Infantryman Badge since he did not hold an infantry MOS and was not assigned to an infantry unit and/or served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or smaller size. award of the Combat Infantryman Badge.

3. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant 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 20 February 1972 by:

- awarding him the Army Good Conduct Medal (First Award) for the qualifying period 20 August 1970 to 20 February 1972
- adding the Army Good Conduct Medal (First Award) to his DD Form 214

2. The Board further determined that 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 award of the Combat Infantryman Badge.

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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.

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 (Military Awards), currently in effect, prescribes policies and procedures for military awards. Regarding the award of the Combat Infantryman Badge, paragraph 8-6 states:

a. The War Department established the Combat Infantryman Badge during World War II; the intent was to induce individuals to join the infantry and to be a morale booster for currently serving infantrymen.

b. The regulation continues, "In developing the Combat Infantryman Badge, the War Department did not dismiss out of hand or ignore the contributions of other branches. Their vital contributions to the overall war effort were certainly noted, but it was decided that other awards and decorations were sufficient to recognize their contributions. From the beginning, Army leaders have taken care to retain the badge for the unique purpose for which it was established and to prevent the adoption of any other badge, which would lower its prestige."

c. "At the close of World War II, the largest war in which the armor and artillery played key roles in the ground campaigns, a review was conducted of the CIB criteria with consideration being given to creating either additional badges or authorizing the badge to cavalry and armor units. The review noted that any change in policy would detract from the prestige of the badge."

d. For the award of the Combat Infantryman Badge, the Soldier must meet three requirements:

(1) The Soldier must be an infantry Soldier (i.e., holds an 11-series military occupational specialty (MOS), in the grade of colonel or below), and the Soldier must be satisfactorily performing infantry duties.

(2) The Soldier must be assigned to an infantry unit, brigade-sized or smaller, that is engaged in active ground combat. "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 must be a brigade, regiment, or smaller size. 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."

(3) The Soldier must have actively participated in such ground combat; campaign credits alone are insufficient to warrant this award.

e. Table 8-2 (Qualifying Conflicts and Periods for Award of Combat Badges) shows service in Korea on the demilitarized zone is eligible for the Combat Infantryman Badge during the period 4 January 1969 to 31 March 1994.

3. AR 611-201 (Enlisted MOS), in effect at the time, provided MOS classification structure and identified Career Management Fields (CMF) for each MOS.

a. In the version of AR 611-201, dated 1967, the Army combined infantry and armor MOS into one CMF: CMF 11 (later renamed, "Maneuver Combat Arms").

(1) The MOS associated with CMF 11 were:

- 11B (Light Weapons Infantryman)
- 11C (Infantry Indirect Fire Crewman)
- 11D (Armor Reconnaissance Specialist)
- 11E (Armor Crewman)
- 11F (Infantry Operations and Intelligence Specialist)
- 11G (Infantry Senior Sergeant)
- 11H (Infantry Direct Fire Crewman)

(2) The 1973 revision of AR 611-201 separated infantry and armor into two CMFs: 11 (Infantry) and 19 (Armor).

b. MOS 17K (Ground Surveillance Radar Crewman) duties included supervising and controlling ground surveillance radar units and operating ground surveillance radar and associated equipment. Additionally, the Soldier operated ground surveillance radar and associated equipment to locate moving targets. Soldiers at skill level 20 had to be able to locate and identify moving targets by type through normal interference and jamming. The additional skill identifier "U9" indicated the Soldier had qualified in the use of the AN/TPS-58, a moving target locating radar system.

3. AR 672-5-1 (Awards), in effect at the time, prescribed policies and procedures for military awards; regarding the Army Good Conduct Medal, the regulation stated:

a. The Army awarded the Army Good Conduct Medal for each 3-year term of continuous enlisted active Federal military service completed on or after 27 August 1940.

b. For the first award only, commanders could award the Army Good Conduct Medal, upon termination of the Soldier's service on or after 27 June 1950, provided the Soldier had served less than 3 years but more than 1 year and had to have had all "Excellent" conduct and efficiency ratings and no court-martial convictions.

4. AR 15-185 (Army Board for Correction of Military Records (ABCMR), currently in effect, states:

a. The ABCMR decides cases on the evidence of record; it is not an investigative body.

(1) The ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).

(2) The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

b. An applicant is not entitled to a hearing before the Board; however, the request for a hearing may be authorized by a panel of the Board or by the Director of ABCMR.

//NOTHING FOLLOWS//