

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 July 2024

DOCKET NUMBER: AR20230014559

APPLICANT REQUESTS:

- award of the Combat Infantryman Badge (CIB)
- a video/telephonic appearance before the Board

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

DD Form 149 (Application for Correction of Military 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:
  - a. He served as a warrant officer with the 170th Assault Helicopter Company in Vietnam from August 1966 to August 1967. During that time he was assigned to the 5th Special Forces Group in Dak To, Dak Siang, Kontum, Dak Pek, and Kahm Duc.
  - b. He was the lead gunship of a two gunship team at the special forces camp at Kahm Duc. He was there full time and parked the gunships on the small taxiway, disarming them every night and living in the camp. His crew would check for possible booby-traps set by the enemy.
  - c. He was assigned to protect the parameter, had a foxhole and was given an M-1 carbine. They flew almost every day for 2 months supporting the special operations group missions from his assigned camps.
3. The applicant's records contain sufficient evidence to support additional awards and administrative correction of his DD Form 214 for the period ending 6 August 1969 and will be listed in the administrative notes section.

4. A review of his service records show:

a. On 25 August 1965, he enlisted in the Regular Army for a period of 2 years. He completed the Warrant Officer Rotary Wing Aviator Course(s).

b. On 15 August 1966, he was honorably discharged in order to accept an appointment as a warrant officer and attend helicopter pilot school. His DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for this period shows he completed 11 months and 21 days of active service.

c. On 16 August 1966, he completed a DA Form 71 (Oath of Office), he was appointed a Reserve warrant officer of the Army and he assigned to U.S. Army Aviation Center, Fort Rucker, to attend Army Aviation Training in military occupational specialty (MOS) 62B (Helicopter Pilot).

d. His DA Form 66 (Officer Qualification Record) shows in:

(1) Item 9 (MOS) – primary MOS 62B (Helicopter Pilot) and 62D (Rotor Wing Aviator).

(2) Item 18 (Record of Assignments) – he served in Vietnam from 26 September 1966 to 18 August 1967, through 2 campaigns, assigned to 170th Aviation Company,

(3) Item 21 (Awards and Decorations) –

- Army Aviator Badge
- Air Medal with V Device Numeral 15
- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Bronze Star Medal

e. On 6 August 1969, he was honorably released from active duty. His DD Form 214 for this period shows he was awarded or authorized:

- Army Aviator Badge
- Vietnam Service Medal
- National Defense Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Air Medal with Numeral 14
- Air Medal with V Device
- Bronze Star Medal

- Republic of Vietnam Gallantry Cross with Palm Unit Citation

5. On 24 May 2016, the Awards and Decorations Branch, U.S. Army Human Resources Command issued him a DD Form 215 (Correction to DD form 214) however this correction did not include award of the CIB.

6. His records are void of orders awarding him the CIB and his records are void of any evidence showing he was awarded an infantry MOS.

BOARD DISCUSSION:

1. The Board determined 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.

2. 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. The Combat Infantryman Badge is awarded to infantry officers, and 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. Specifically, a recipient must be personally present and under hostile fire while serving in an assigned infantry primary duty in a unit actively engaged in ground combat with the enemy. The applicant held an aviation MOS and was assigned to an aviation unit in Vietnam. The Board determined he does not meet the criteria for this award.

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:

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.



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): The applicant's records contain sufficient evidence to support additional awards not shown on his DD Form 214 and should be administratively corrected by:

- a. Deleting Air Medal with Numeral 14 and deleting Air Medal with V Device.
- b. Adding awards:
  - Air Medal with V Device and Numeral 15
  - two bronze service stars to his previously awarded Vietnam Service Medal
  - Valorous Unit Award
  - Expert Marksmanship Qualification Badge with Pistol Bar (.45 caliber)
  - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

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 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, which is that what the Army did was correct. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, paragraph 2-11 reads that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

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

a. The Combat Infantryman Badge is awarded to infantry or special forces officers and enlisted and warrant officer persons who have an infantry or special forces military occupational specialties.

(1) They must have served in active ground combat while assigned or attached to an infantry, ranger, or special forces unit of brigade, regimental, or smaller size. Specifically, 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.

(2) The unit in question must be a brigade, regiment, or smaller size. For example, personnel possessing an infantry military occupational specialties in a rifle squad of a cavalry platoon in a cavalry troop would be eligible for award of the Combat Infantryman Badge.

(3) Battle or campaign participation credit alone is not sufficient; the unit must have been in active ground combat with the enemy during the period. Personnel with other than an infantry or special forces military occupational specialties are not eligible, regardless of the circumstances.

b. The Vietnam Service Medal was awarded to all service members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through

28 March 1973. Qualifying service included attachment to or assignment for 1 or more days with an organization participating in or directly supporting military operations. One bronze service star is authorized with the Vietnam Service Medal for each campaign during which a member was assigned or attached to and present for duty with a unit during the period in which it participated in combat or was under orders in the combat zone and served at a normal post of duty.

4. U.S. Army Vietnam Regulation 672-5-1 (Decorations and Awards), in effect at the time, prescribed policies, responsibilities, and criteria in order to insure prompt and proper recognition of individuals. It provided instruction for award of the CIB during the Vietnam era. Appendix V stated the CIB was only authorized for officers serving in infantry units provided these officers were awarded an infantry MOS 1542, 1543, 1560, or 2162.

5. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register (January 1960 - February 1986)), in effect at the time, shows:

a. 170th Aviation Company was awarded the Valorous Unit Award by Department of the Army General Orders Number 40, 1967, for the period 28-30 May 1966.

b. he participated in two campaigns:

- Vietnam Counteroffensive, Phase II, 1 July 1966—31 May 1967
- Vietnam Counteroffensive, Phase III, 1 June 1967—29 January 1968

//NOTHING FOLLOWS//