

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 July 2024

DOCKET NUMBER: AR20230014635

APPLICANT REQUESTS: the son of a deceased former service member (SM) requests the correction of his father's WD AGO Form 53-55 (Enlisted Record and Report of Separation – Honorable Discharge) by adding the following awards:

- Army of Occupation Medal with "Germany" clasp
- Combat Infantryman Badge

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

- DD Form 149 (Application for Correction of Military Record)
- Honorable Discharge Certificate
- WD AGO Form 53-55
- Certificate of Death
- Certificate of Live Birth

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). 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 effect, his father participated in European operations and, as of February 1944, he was assigned to the 79th Infantry Division; this should qualify him for the Combat Infantryman Badge. Additionally, for about 6 months after the end of World War II (i.e., 8 May 1945), his father performed occupation duties with the 3rd Military Government Regiment; this makes the SM eligible for the Army of Occupation Medal. The applicant adds that the documents he has submitted support his requests.

3. The applicant's requested relief for adding the Army of Occupation Medal with "Germany" clasp to the SM's WD AGO Form 53-55 is supported by sufficient evidence; as a result, this portion of the requested relief will be addressed in the "ADMINISTRATIVE NOTE(S)" section and will not be considered by the Board.

4. A fire at the National Personnel Records Center (NPRC) in St. Louis, MO destroyed approximately 18 million service members' records in 1973; the fire affected Army personnel records dated between November 1912 and January 1960. It is believed the SM's records were destroyed in that fire. Nonetheless, the applicant submits a copy of the SM's WD AGO 53-55, and this document offers enough information to address the applicant's request.

5. The SM's WD AGO 53-55 show the following:

a. On 13 October 1942, the SM enlisted in the Regular Army; he held military occupational specialty 070 (Draftsman). On 7 March 1944, he arrived in the European Theater; the WD AGO 53-55 does not reflect the SM's unit of assignment at the time of his arrival.

b. On 30 November 1945, the SM departed the European Theater, and, on 29 December 1945, the Army honorably discharged him for the convenience of the government. His WD AGO 53-55 shows he completed 1 year, 3 months, and 24 days of continental United States service, and 1 year, 10 months, and 24 days of foreign service. The form additionally reflects the following:

(1) Item 32 (Battle and Campaigns): Normandy, Northern France, Ardennes-Alsace, and Rhineland.

(2) Item 33 (Decorations and Citations):

- American Campaign Medal
- European-African-Middle Eastern Campaign Medal
- Army Good Conduct Medal (1st Award)
- World War II Victory Medal

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found partial relief is warranted.

2. The Board noted that to be eligible for the Combat Infantryman Badge a Soldier must have been serving in an infantry military occupational specialty in an infantry unit of brigade size or smaller while the unit was engaged in active ground combat and the Soldier must have actively participated in that ground combat. In this case, the available records do not show that any of the three criteria for the Combat Infantryman Badge

were met. Based on a preponderance of the evidence, the Board determined the SM was not eligible for the Combat Infantryman Badge.

3. The Board concurred with the corrections described in Administrative Note(s) below.

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 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 making the corrections described in Administrative Note(s) below.

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 the Combat Infantryman Badge.

12/26/2024

X

CHAIRPERSON

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): Amend the SM's WD AGO Form 53-55 by adding the Army of Occupation Medal with "Germany" clasp.

REFERENCES:

1. Title 10, USC, 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. AR 600-8-22, currently in effect, 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 further states, "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." The War Department conducted a review of the Combat Infantryman Badge's award criteria at the close of World War II; the review concluded any change in award policy would detract from the prestige of the badge.

c. 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 MOS, in the grade of colonel or below), and the Soldier must be satisfactorily performing infantry duties. (The U.S. Army Human Resources Command (HRC) advised that, during World War II, enlisted Soldiers holding the following MOSs qualified for the Combat Infantryman Badge: 604 (Light Machine Gunner); 605 (Heavy Machine Gunner); 705 (Rifleman); 746 (Automatic Rifleman); 812 (Heavy Weapons); and 864 (Gun Crewman)).

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

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

3. AR 15-185 (ABCMR), currently in effect, states:

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

b. 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.

//NOTHING FOLLOWS//