

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 August 2024

DOCKET NUMBER: AR20230014813

APPLICANT REQUESTS:

- award of the Combat Infantryman Badge
- award of the Purple Heart

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) covering the period ending 13 February 1970

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 never previously noticed the omissions on his DD Form 214 until visiting with his Department of Veterans Affairs (VA) service officer in October 2023. All supporting documentation for the Purple Heart request should be a matter of record in his service and medical file. The Combat Infantryman Badge proof is a matter of his enclosed DD Form 214.
3. The applicant's record contains sufficient evidence to administratively correct the award of the Combat Infantryman Badge. The Board will only consider award of the Purple Heart.
4. A DD Form 47 (Record of Induction) shows the applicant was inducted into the Army of the United States on 2 January 1969.
5. The applicant's DA Form 20 (Enlisted Qualification Record) shows:

- a. Item 22 (Military occupational Specialties (MOS)) shows MOS 11B (Light Weapons Infantryman).
- b. Item 31 (Foreign Service) shows U.S. Army Pacific (USARPAC) Vietnam, 12 months, from 31 May 1969 through 29 May 1970 (a period encompassing four campaigns).
- c. Item 38 (Record of Assignments) shows he was assigned to C Company, 5th Battalion, 46th Infantry Regiment, 198th Infantry Brigade in Vietnam from 16 June 1969 through 25 May 1970, where his duty MOS was 11B. His conduct and efficiency were rated as excellent.
- d. Item 40 (Wounds) is blank.
- e. Item 41 (Awards and Decorations) shows, in part:
 - Expert Marksmanship Qualification Badge with Grenade Bar
 - Vietnam Service Medal
 - Combat Infantryman Badge (Special Order 240, Headquarters, Americal Division, **not issued**)
 - Army Commendation Medal with V Device
 - Army Commendation Medal with 1st Oak Leaf Cluster

5. The following awards orders are among those contained in the applicant's service records:

- a. Headquarters, Americal Division General Orders Number 3059, dated 26 March 1970, awarded the applicant the Bronze Star Medal for meritorious service in connection with military operations against a hostile force in Vietnam from May 1969 through May 1970.
- b. Headquarters, Americal Division General Orders Number 4616, dated 14 May 1970, awarded the applicant the Army Commendation Medal with "V" Device for heroism in connection with military operations against a hostile force in the Republic of Vietnam on 9 April 1970. On that date, the applicant's company of assignment was conducting a search of a bunker complex in an enemy base camp they had just overrun when a North Vietnamese Army Soldier left his hiding place and attempted to escape into a nearby wood line. Reacting immediately, the applicant engaged the fleeing insurgent and quickly eliminated him. His personal heroism and devotion to duty are in keeping with the highest traditions of military service.
- c. Headquarters, Americal Division General Orders Number 7319, dated 26 June 1970, awarded the applicant the Army Commendation Medal (First Oak Leaf Cluster)

for meritorious achievement in connection with military operations against a hostile force in Vietnam from 1 January 1970 through 30 April 1970.

6. The applicant's service record does not contain physical orders awarding him the Combat Infantryman Badge. However, the evidence of record shows while in Vietnam, the applicant was an Infantryman satisfactorily performing Infantry duties, he was assigned to an Infantry unit during such time as the unit is engaged in active ground combat, and he actively participated in such ground combat. Additionally, his DA Form 20 does show Special Orders Number 240, published by Headquarters Americal Division, on an unknown date awarded him the Combat Infantryman Badge.

7. The applicant's service records do not contain orders awarding him the Purple Heart. Additionally, there is no evidence of record the applicant sustained a wound while in action against an enemy or as a result of hostile action, that the wound required treatment by medical personnel, and the medical treatment was made a matter of official record.

8. The applicant's DD Form 214 shows:

a. He was honorably released from active duty on 17 December 1970, due to expiration term of service and transferred to the U.S. Army Reserve (USAR) Control Group (Annual Training).

b. He was credited with 1 year, 11 months, and 16 days of net active service, including 11 months and 28 days in Vietnam.

c. Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) shows he was awarded or authorized:

- National Defense Service Medal
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-14)
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Bronze Star Medal
- Army Commendation Medal with 1st Oak Leaf Cluster
- Republic of Vietnam Gallantry Cross with Bronze Star

9. A review of the Vietnam Casualty Roster shows it does not contain the applicant's name.

10. A review of the Awards and Decorations Computer Assisted Retrieval System (ADCARS) maintained by the U.S. Army Human Resources Command Military Awards

Branch, an index of general orders issued during the Vietnam era between 1965 and 1973, failed to reveal any orders for the Purple Heart.

11. The applicant received all excellent or unknown conduct and efficiency ratings, there is no record of indiscipline, nor is there any indication his commanding officer disqualified him for award of the Army Good Conduct Medal (1st Award).

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. The evidence of record shows the applicant held military occupational specialty (MOS) 11B (Infantryman) while serving in Vietnam. The applicant served in Vietnam from 31 May 1969 to 29 May 1970. However, the Board could not verify through any documentation or evidence the applicant sustained a wound while in action against an enemy or as a result of hostile action or actively participated in ground combat. The Board noted the applicant's valorous actions and recognition by receiving award of the Army Commendation with "V" Device for service as a Radio Telephone Operator; however, determined those actions did not rise to the level required of the Purple Heart. The Board also noted his DA Form 20 (Personnel Qualification Record) confirms award of the Combat Infantryman Badge; therefore, this award should be added to his DD Form 214.

2. Prior to closing the discussion, the Board determined the applicant served a qualifying period of service for award of the Army Good Conduct Medal (First Award) and found no evidence of derogatory information to suggest he should not be awarded such award. Therefore, the Board voted to add this to his record.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. 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.

2. Prior to closing the discussion, the Board determined the evidence presented is sufficient to warrant relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- awarding him the Army Good Conduct Medal (First Award) for the period 2 January 1969 to 17 December 1970
- adding the Army Good Conduct Medal (First Award) to his DD Form 214 for the period ending 17 December 1970
- adding the Combat Infantryman Badge to his DD Form 214

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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.

ADMINISTRATIVE NOTE(S): amend the applicant's DD Form 214 ending 17 December 1970, by deleting from item 24 (Decorations, Medals, Badges, Commendations,

Citations, and Campaign Ribbons Awarded or Authorized) the Vietnam Service Medal and the Army Commendation Medal (1st Oak Leaf Cluster), and adding the:

- Army Commendation Medal
- Army Commendation Medal with "V" Device
- Vietnam Service Medal with four bronze service stars
- Expert Marksmanship Qualification Badge with Grenade Bar
- Republic of Vietnam 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) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The Purple Heart is awarded for a wound sustained while in action against an enemy or as a result of hostile action. Substantiating evidence must be provided to verify that the wound was the result of hostile action, the wound must have required treatment by medical personnel, and the medical treatment must have been made a matter of official record.

b. The Combat Infantryman Badge is authorized for award during the Vietnam Conflict. The requirements for award of the Combat Infantryman Badge include: the Soldier must be an Infantryman satisfactorily performing infantry duties, he must be assigned to an Infantry unit during such time as the unit is engaged in active ground combat, and he must actively participate in such ground combat.

c. The Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity during a qualifying period of active duty enlisted service. This period is 3 years except in those cases when the period for the first award ends with the termination of a period of Federal military service. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified.

d. A bronze service star is authorized with the Vietnam Service Medal for participation in each credited campaign.

3. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the awards received by units serving in Vietnam. This pamphlet shows:

a. The named Vietnam Campaigns are:

- Vietnam Advisory Campaign, 15 March 1962 - 7 March 1965
- Vietnam Defense Campaign, 8 March 1965 - 24 December 1965
- Vietnam Counteroffensive , 25 December 1965 - 30 June 1966

- Vietnam Counteroffensive, Phase II, 1 July 1966 - 31 May 1967
- Vietnam Counteroffensive, Phase III, 1 June 1967 - 29 January 1968
- TET Counteroffensive, 30 January 1968 - 1 April 1968
- Vietnam Counteroffensive, Phase IV, 2 April 1968 - 30 June 1968
- Vietnam Counteroffensive, Phase V, 1 July 1968 - 1 November 1968
- Vietnam Counteroffensive, Phase VI, 2 November 1968 - 22 February 1969
- **TET 69 Counteroffensive, 23 February 1969 - 8 June 1969**
- **Vietnam Summer -Fall 1969 , 9 June 1969 - 31 October 1969**
- **Vietnam Winter-Spring 1970, 1 November 1969 - 30 April 1970**
- **DA Sanctuary Counteroffensive, 1 May 1970 - 30 June 1970**
- Vietnam Counteroffensive, Phase VII, 1 July 1970 - 30 June 1971
- Consolidation I, 1 July 1971 - 30 November 1971
- Consolidation II, 1 December 1971 - 29 March 1972

b. The 46th Infantry Regiment, 5th Battalion, was awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation for the periods 24 August 1969 through 31 December 1969, and 31 March 1970 through 30 June 1970, by Department of the Army General Orders Number 11, dated 1973, which amended by Department of the Army General Orders Number 42, dated 1972.

//NOTHING FOLLOWS//