

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 August 2024

DOCKET NUMBER: AR20230015001

APPLICANT REQUESTS: on behalf of his grandfather, a former service member (FSM), award of the:

- Combat Infantryman Badge (CIB)
- in effect, the World War I Victory Medal with “France” service clasp and “Meuse-Argonne” battle clasp
- Purple Heart (PH)
- and a personal appearance before the Board.

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

- DD Form 149 (Application for Correction of Military Record)
- Honorable Discharge Certificate, 17 June 1919
- Certificate of Birth, [REDACTED]
- Marriage Certificate, [REDACTED]
- Certificate of Live Birth, [REDACTED]
- FSM Headstone, [REDACTED]
- Wounded in Action Certificate, undated

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, based on the information provided in his grandfather's discharge certificate, he believes the FSM is entitled to the CIB, the Inter-Allied Victory Medal with the Meuse-Argonne Clasp, and the PH. His grandfather was a 24-year-old draftee, literate, but worked as a weaver. He believes the FSM did not know that he was entitled to these awards. His grandfather passed away on 21 October 1971, when the applicant was 12 years old, and the FSM had no further contact with the military after discharge. The FSM was wounded in the battle of Meuse-Argonne, near the village of Cierges where he was serving as an infantryman, assigned to Company H, 126th

Infantry Regiment. His grandfather's discharge and wounded in action certificate came to him after his aunt's death.

3. The FSM's complete military records are not available for review. A fire destroyed approximately 18 million service members' records at the National Personnel Records Center in 1973. It is believed that the applicant's records were lost or destroyed in that fire. However, there are sufficient documents remaining in a reconstructed record for the Board to conduct a fair and impartial review of this case.

4. The FSM's records contain sufficient evidence to support award of the World War I Victory Medal with "France" service clasp and "Meuse-Argonne" battle clasp. His Certificate of Honorable Discharge will be administratively corrected to show this award.

5. The Board will consider the applicant's request for award of the CIB and the PH on behalf of his deceased grandfather.

6. The applicant provides the following:

a. The FSM's Certificate of Honorable Discharge shows:

- He was honorably discharged on 17 June 1919, at Camp Jackson, SC.
- Marksmanship, gunner qualification or rating: No rating
- Battles, engagements, skirmishes, and expeditions: Meuse-Argonne from 26 October 1918 to 2 November 1918
- Decorations, Medals, Badges, and Citations: None
- Wounds received in service: shrapnel round through right knee.
- Physical condition when discharged: Good
- Character: Excellent
- Remarks: Service was honest and faithful. No absent without leave (AWOL). He sailed from the U.S. for France on August 12, 1918, and arrived in the U.S. on 25 May 1919

b. There is a hand-written note at the bottom of the FSM's discharge document, which states the FSM enlisted or inducted on 25 May 1918.

c. A certificate of birth dated [REDACTED] which shows [REDACTED] was the daughter of the FSM.

d. A marriage certificate dated [REDACTED] which shows [REDACTED] married [REDACTED] the applicant's father.

e. A certificate of live birth dated [REDACTED], which shows the applicant was the son of [REDACTED]

f. FSM's headstone, which shows he died on [REDACTED], and service in the World War.

g. A certificate, which shows the FSM was assigned to Company H, 126th Infantry. He served with honor in the World War and was wounded in action.

7. The FSM's record contains War Department Form 371 (Final Payment Roll), which shows he was separated on 17 June 1919 from the Discharge Division, Demobilization Group at Camp Jackson, SC.

8. The FSM's available records are void of orders awarding him the CIB and the PH.

#### 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 partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Although the former service member's (SM) service records are not available, his Certificate of Honorable Discharge shows he served on active duty during WWI from 25 May 1918 to 17 June 1919. The section titled "Wounds received in service" shows the entry "shrapnel round through right knee." Although the date and location of such injury is unknown, the Board determined there is sufficient evidence to posthumously award him the Purple Heart.

b. The Board further noted that the SM held an infantry MOS, serve during WWI from 12 August 1918 to around 25 May 1919. There is a certificate that shows the SM was assigned to Company H, 126th Infantry. He served with honor in the World War and was wounded in action. Unfortunately, the Combat Infantryman Badge was created in 1943 and is authorized for conflict during and after World War II.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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 amending the applicant service records as follow:

- awarding him the Purple Heart for wounds received as a result of hostile action in France on 2 November 1918
- adding the Purple Heart to his available records

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 award of the Combat Infantryman Badge.

8/14/2024

X [REDACTED]

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CHAIRPERSON  
[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 FSM's records show he was authorized the World War I Victory Medal with "France" service clasp and "Meuse-Argonne" battle clasp.

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.

(1) A wound is defined as an injury to any part of the body from an outside force or agent sustained under one or more of the conditions listed above. A physical lesion is not required. However, the wound for which the award is made must have required treatment, not merely examination, by a medical officer. Additionally, treatment of the wound will be documented in the Service member's medical and/or health record. Award of the Purple Heart may be made for wounds treated by a medical professional other than a medical officer, provided a medical officer includes a statement in the Service member's medical record that the extent of the wounds was such that they would have required treatment by a medical officer if one had been available to treat them.

(2) When contemplating an award of the Purple Heart, the key issue that commanders must take into consideration is the degree to which the enemy caused the injury. The fact that the proposed recipient was participating in direct or indirect combat operations is a necessary prerequisite but is not the sole justification for award.

(3) Examples of enemy-related injuries that clearly justify award of the Purple Heart include concussion injuries caused as a result of enemy-generated explosions resulting in a mTBI or concussion severe enough to cause either loss of consciousness or restriction from full duty due to persistent signs, symptoms, or clinical finding, or impaired brain function for a period greater than 48 hours from the time of the concussive incident.

(4) Examples of injuries or wounds that clearly do not justify award of the Purple Heart include post-traumatic stress disorders, hearing loss and tinnitus, mTBI or concussions that do not either result in loss of consciousness or restriction from full duty

for a period greater than 48 hours due to persistent signs, symptoms, or physical finding of impaired brain function.

b. The Combat Infantryman Badge (CIB) was established by the War Department on 27 October 1943. A Soldier must meet the following three requirements to be eligible for award of the CIB:

(1) Be an Infantry Soldier satisfactorily performing infantry duties. A Soldier must be an Army infantry or Special Forces (SF) officer (CMF or AOC 11 or 18) in the grade of COL/O-6 or below, or an Army enlisted Soldier or warrant officer with an infantry or SF MOS who, subsequent to 6 December 1941, has satisfactorily performed duty while assigned or attached as a member of an infantry, ranger, or SF unit of either a brigade, regimental, or smaller size during any period such unit was engaged in active ground combat.

(2) Be assigned to an infantry unit during such time as the unit is engaged in active ground combat. A recipient must be personally present and under hostile fire while serving in an assigned infantry or SF 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 CIB. Battle or CPC alone is not sufficient; the unit must have been in active ground combat with the enemy during the period.

(3) Actively participate in such ground combat. Campaign or battle credit alone is not sufficient for award of the CIB.

c. The World War I Victory Medal was established by War Department General Order 48, dated 1919. The medal is awarded for service between 6 April 1917 and 11 November 1918. Battle clasps, service clasps, and service stars are authorized appurtenances to be worn on the World War I Victory Medal.

(1) The World War I Victory Medal battle clasp is a bronze bar 1/8-inch by 1 1/2 inches with the name of the campaign or the words "Defensive Sector," and with a star at each end of the inscription.

(2) All clasps, except the Army Good Conduct Medal clasp, are worn only on the suspension ribbon of the medal.

(3) The World War I Victory Medal service clasp is a bronze bar 1/8-inch by 1 1/2 inches inscribed with the name of the country in which the service was performed.

3. Army Regulation 600-45 (Personnel Decorations), provided guidance for awarding decorations for extraordinary, unusual, or outstanding acts or services. It stated:

a. Awards of decorations and authority for award (order number, date, and headquarters) will be noted in the historical records of organizations, and in the service record of enlisted men, and for all others in appropriate files and efficiency records.

b. The Purple Heart is awarded to members of the Armed Forces of the United States who are wounded in actions against an enemy of the United States, or as a direct result of an act of such enemy, provided such wound necessitates treatment by a medical officer. A wound is defined as an injury to any part of the body from an outside force, element, or agent sustained as the result of a hostile act of the enemy or while in actions in the face of the enemy.

c. Those individuals who, as members of the Army of the United States, prior to 7 December 1941, were awarded a meritorious services citations certificate in World War I, or were authorized to wear a wound chevron, or received wounds in actions which would have entitled them to wear a wound chevron under regulations existing at that time, may make application to the Adjutant General, Washington, D.C., for award of the Purple Heart in lieu of the meritorious services citation certificate or wound chevron.

4. 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.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 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.

//NOTHING FOLLOWS//