

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 August 2024

DOCKET NUMBER: AR20240000482

APPLICANT REQUESTS:

- reconsideration of his previous request to be awarded the Combat Infantryman Badge
- as a new issue, award of the Army Good Conduct Medal

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

- Reconsideration Letter
- DD Form 214, Armed Forces of the United States Report of Transfer or Discharge
- Previous ABCMR Record of Proceedings, AR20220008823, 19 May 2023
- DD Form 215, Correction to DD Form 214.

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20220008823, 19 May 2023.

2. The applicant states he earned the Combat Infantryman Badge during his service in Vietnam on three separate firefights based on the three basic criteria. When he entered Vietnam in Long Bin on 29 October 1970, he was told that his records were lost in transient. New orders had to be written, which did happen, and he was assigned to the 1st Cavalry Division, 3rd Brigade. Then, 14 months later, when he returned to the States, he entered the Army Personnel Center in Oakland, CA. He was told again his records were lost in transient, so they drew up a new one; as can be seen in Block 30 (Remarks) of his DD Form 214, "Released on Temporary Records and Soldiers Affidavit 12 December 1971." He is entitled to the Combat Infantryman Badge and the Army Good Conduct Medal.

a. He completed eight weeks of basic training at Fort Campbell, KY and was then transferred by bus to Fort Polk, LA for eight weeks of Advanced Infantry Training in which he completed and was given according to Box 30 (Education and Training) of his

DD Form 214. He was not trained to be an MP (Military Policeman); he was trained to be an infantry soldier. He does not believe Fort Polk was a place where they trained MPs. It was in Fort Gordon, GA, for MPs.

b. He was never taught to be an MP 95B, and he was only assigned to the MP unit in March of 1971 after returning from being wounded in the field and coming down with malaria. That is why he has a Purple Heart awarded to him. He was assigned to Company C, 1st Battalion, 12th Cavalry, 1st Cavalry Division, from 28 October 1970 to 17 January 1971 (i.e., 1971), when he returned from Japan for injuries while serving with the 1st of the 12th. He worked as a clerk MOS 70A for a week until he was put in the 482nd MP Platoon because of his weapons skills with an M16 and M60 machine gun. He agrees that he was assigned to the 545th Military Police Company with a MOS 95B, but this was his last duty assignment, as stated on his DD Form 214, Box 12 (Last Duty Assignment and Major Command).

c. He did serve in the 1st Cavalry Division, 3rd Brigade with the Duty MOS 95B. Still, overall, his first and only training in the Army was his 11B. He was awarded the Purple Heart in Vietnam for wounds received in connection with military operations against a hostile force on 9 December 1970. He was also in three firefights against an opposing force before he was wounded. This fulfills one of the three basic criteria for the Combat Infantryman Badge. The soldier had to participate actively in such ground combat. During this time, he was with the 1st of the 12th, 1st Cavalry Division with his earned and completed 11B MOS training from Fort Polk.

d. There are three basic criteria to receive the Combat Infantryman Badge: The soldier must be an infantryman/holds an infantry MOS and performs infantry duties satisfactorily. He was with the 1st Battalion, 12th Cavalry from 28 October 1970 to 17 January 1971, and his MOS with them then was 11B. His DD Form 214 shows in Box 25 Education and Training completed: Light Infantry Weapons, completed at Fort Polk. Second, the soldier must have served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or smaller size. He was out in the field with Company C of the 1st Battalion, 12th Cavalry, from 28 October 1970 to 18 January 1971, and this is where he was wounded and came down with malaria, which he had sometime in December 1971. Third, the soldier must have actively participated in such ground combat. Having been awarded a Purple Heart, that alone should prove that he was there and actively participated in ground combat. He was in three firefights and led men three times down the jungle paths. That was scary, but he followed his orders, and his company showed him his skills in teaching and adapting to the surroundings.

e. He was there for 14 months, and over two months with the 1st Cavalry Division with a MOS 11B, as required by the first part of the three basic criteria for the Combat Infantryman Badge. There aren't too many days that go by where he hasn't thought about Vietnam and the things that happened to him, some good and some not so good,

but the memories that he has of the service are what he was taught and learned makes him proud to be an Army Veteran and a 1st Cavalry Team member. Nobody can ever take that away from him.

3. The applicant was inducted into the Army of the United States for a 2-year term on 9 June 1970. His DA Form 20 (Enlisted Qualification Record) shows in:

a. Item 22 (Military Occupational Specialty (MOS)) - his secondary MOS was 11B (Light Weapons Infantryman) on 9 October 1970) and his primary MOS was 95B (Military Policeman) on 4 March 1971.

b. Item 31 (Foreign Service) – he served in Vietnam from 28 October 1970 to 12 December 1971.

c. Item 38 (Record of Assignments) – he was assigned to Company D, 4th Battalion, 5th Advanced Individual Training (AIT) Brigade at Fort Polk, LA on 9 August 1970 for AIT training but does not list the specific MOS he was trained in. This form also shows:

(1) The applicant departed the Continental United States enroute to Vietnam on 9 October 1970, and he was assigned to the following units in Vietnam:

- He served in an unknown unit from 28 October 1970 to 17 January 1971.
- 15th Administration Company, 1st Cavalry Division, he served in Duty MOS 70A (Clerk) from 18 January 1971 to 25 January 1971.
- 545th Military Police Company, 1st Cavalry Division, he served in Duty MOS 95B (Military Policeman) from 26 January 1971 to 12 April 1971.
- Detachment 8, Headquarters and Headquarters Company, 3rd Brigade (Sep), 1st Cavalry Division, where he served in Duty MOS 95B (Military Policeman) - 13 April 1971 to 29 June 1971.
- 482nd Military Police Platoon, 3rd Brigade (Sep), 1st Cavalry Division, where he served in Duty MOS 95B, 30 June 1971 to 11 December 1971.

d. He received all excellent or unknown conduct and efficiency ratings.

4. General Orders Number 1817, issued by Headquarters, 1st Cavalry Division on 31 January 1971, awarded him the Purple Heart for wounds received in connection with military operations against a hostile force, on 9 December 1970. The order would not list the MOS, but it shows he was assigned to Company C, 1st Battalion, 12th Cavalry.

5. The applicant was honorably released from active duty in the rank/grade of specialist four (SP4)/E-4 on 13 December 1971. His DD Form 214 shows he completed 1 year, 6 months and 5 days of net service with no lost time. It also shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal with two bronze service stars
- Republic of Vietnam Campaign Medal with Device (1960)
- Army Commendation Medal

6. On 19 May 2023, the Board considered his request to be awarded the Combat Infantryman Badge.

a. 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 applicant failed to provide substantiating evidence of a specific incident, on a specific date, in which he would have possibly qualified for the CIB. Based upon the absence of information showing he was personally present and actively participated in ground combat with his infantry unit as an infantryman during such time as the unit was engaged in active ground combat on a specific date, the Board agreed there is insufficient evidence to grant relief.

b. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction be completed to more accurately depict the military service of the applicant.

7. On 17 June 2023, the applicant was issued a DD Form 215 that added to his DD Form 214 the following awards:

- Purple Heart
- Vietnam Service Medal with three bronze service stars
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

8. The applicant's service records do not contain orders awarding him the Army Good Conduct Medal. His service records also do not contain derogatory information such as lost time or conviction by a court-martial that could have disqualified him from receiving this award.

9. By regulation (AR 600-8-22), there are three basic criteria for award of the Combat Infantryman Badge: first, the Soldier be an infantryman/hold an infantry MOS and be satisfactorily performing infantry duties; second, the Soldier must have served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or

smaller size; and third, the Soldier must have actively participated in such ground combat.

3. U.S. Army Vietnam Regulation 672-1 (Decorations and Awards) provided for award of the Combat Infantryman Badge to infantry personnel who were members of infantry platoons and squads in armored cavalry squadrons and regiments.

**BOARD DISCUSSION:**

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Combat Infantryman Badge: Grant. The applicant was initially trained in MOS 11B. He served in Vietnam from 28 October 1970 to 12 December 1971. He was wounded in action on 31 January 1971. His orders for award of the Purple Heart shows on the date he was injured (9 December 1970), he was assigned to Company C, 1st Battalion, 12th Cavalry. USARV Regulation 672-1 authorized award of the Combat Infantryman Badge to infantry personnel who were members of infantry platoons and squads in armored cavalry squadrons and regiments. The Board was persuaded by and accepted the applicant's argument, and determined there is sufficient evidence to show he met the criteria for award of the Combat Infantryman Badge.

b. The Board also noted that the applicant served continuously on active duty from 9 June 1970 to 13 December 1971, completing 1 year, 6 months, and 5 days of active service with no lost time. He received excellent conduct and efficiency ratings. His record does not reflect any lost time or any derogatory information that would have disqualified him from receiving his first award of the Army Good Conduct Medal, or a commander's disqualifying memorandum for this award. The Board determined he met the criteria to be awarded the Army Good Conduct Medal (1st Award).

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

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:

- awarding the applicant the Army Good Conduct Medal (1st Award) for service during the period 9 June 1970 through 13 December 1971
- awarding the applicant the Combat Infantryman Badge on 9 December 1970
- adding awards of the Combat Infantryman Badge and Army Good Conduct (1st Award) 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.

REFERENCES:

1. All Soldiers are provided basic combat skills training after they enter the Army. This is provided to ensure that all Soldiers have the survival skills to perform basic infantry missions when the need arises. The exigencies of combat may require non-infantry Soldiers to temporarily perform the basic infantry duties that all Soldiers are taught, but

it is not a basis for the award of the Combat Infantryman Badge. No other Soldier in combat is more exposed on a daily basis to the dangers and hardships of war and no other branch of the service suffers more casualties than the infantry. To maintain the prestige, uniqueness, and traditional value of the Combat Infantryman Badge, the criteria for award has changed little over the years. The Combat Infantryman Badge is authorized for award for the following qualifying wars, conflicts, and operations (in addition to other conflicts not pertinent here)

- World War II (7 December 1941 to 3 September 1945)
- The Korean War (27 June 1950 to 27 July 1953)
- Republic of Vietnam Conflict (2 March 1961 to 28 March 1973), combined with qualifying service in Laos (19 April 1961 to 6 October 1962)

2. Army Regulation 600-8-22 (Military Awards) states the Combat Infantryman Badge is awarded to infantry officers and to enlisted and warrant officer persons who have an infantry military occupational specialty (MOS), assigned, or attached to an infantry unit. They must have served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or smaller size. Additionally, Appendix V of U.S. Army Vietnam (USARV) Regulation 672-1 states that during the Vietnam era the Combat Infantryman Badge was awarded only to enlisted individuals who held and served in MOS 11B, 11C, 11D, 11F, 11G, or 11H.

3. U.S. Army Vietnam Regulation 672-1 (Decorations and Awards) provided for award of the Combat Infantryman Badge to infantry personnel who were members of infantry platoons and squads in armored cavalry squadrons and regiments.

4. Army Regulation 672-5-1 (Awards), in effect at the time, stated the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940; for first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; and, for the first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year. The enlisted person must have had all "excellent" conduct and efficiency ratings. Ratings of "Unknown" for portions of the period under consideration were not disqualifying. Service school efficiency ratings based upon academic proficiency of at least "Good" rendered subsequent to 22 November 1955 were not disqualifying. There must have been no convictions by a court-martial. However, there was no right or entitlement to the medal until the immediate commander made a positive recommendation for its award and until the awarding authority announced the award in general orders.

//NOTHING FOLLOWS//