

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 September 2024

DOCKET NUMBER: AR20240000605

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the service period ending 2 June 1971 to show:

- Combat Infantryman Badge (CIB)
- Bronze Star Medal (BSM) with "V" Device

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

- DD Form 149 (Application for Correction of Military Record)
- BSM, First Oak Leaf Cluster (1OLC) Citation
- BSM 1OLC Certificate
- General Orders #1358, 10 February 1970
- DD Form 214

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 should be awarded the Combat Infantryman Badge (CIB) because he served in Company C, 2nd Battalion, 41st Infantry, 2nd Armored Division, on numerous combat operations in Vietnam. He was also awarded the Bronze Star Medal with "V" Device for combat operations.
3. The applicant provides:
  - a. A copy of his BSM 1OLC Citation, with additional details of his outstanding meritorious service in connection with military operations against a hostile force in the Republic of Vietnam from November 1969 to November 1970.

b. A copy of his BSM 1OLC Certificate dated 26 October 1970, for his meritorious achievement in ground operations against hostile forces.

c. General Orders Number 1358 dated 10 February 1970, announced award of the Bronze Star Medal with "V" Device for heroism in connection with ground operations against a hostile force in the Republic of Vietnam on 5 February 1970.

4. A review of the applicant's service record shows:

a. He was inducted into the Army of the United States on 3 June 1969.

b. His DA Form 20 (Enlisted Qualification Record) shows:

- Light Weapons Infantryman (11B) military occupational specialty (MOS)
- service in Vietnam from 19 November 1969 through 4 November 1970
- assigned to Company D, 4th Battalion, 21st Infantry, 11th Infantry Brigade
- all "excellent" conduct and efficiency ratings

c. He was honorably released from active duty on 2 June 1971. His DD Form 214 shows he completed 2 years, 11 months, and 16 days of active service. It also shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal w/2 Bronze Service stars
- Republic of Vietnam Campaign Medal
- Bronze Star Medal w/V Device
- Army Commendation Medal
- Expert Marksmanship (Rifle)

d. The available service record is void of orders for award of the CIB.

e. His records are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal (AGCM) and/or orders for the AGCM.

5. By regulation (AR 600-8-22):

a. The Combat Infantryman Badge is awarded to infantry officers and to enlisted and warrant officer persons who have an infantry military occupational specialty (MOS). They must have served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or smaller size.

b. The Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity. This period is 3 years except in

those cases when the period for the first award ends with the termination of a period of active Federal military service. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.
2. The Board found the applicant's Bronze Star Medal with "V" Device citation sufficient to confirm he met the criteria for the Combat Infantryman Badge. The Board determined he should be awarded this badge and it should be added to his DD Form 214.
3. The Board found the applicant met the criteria for the Army Good Conduct Medal. The Board determined he should be awarded this medal and it should be added to his DD Form 214.
4. 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:

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

- Awarding him the Combat Infantryman Badge effective 5 January 1970
- Awarding him the Army Good Conduct Medal for the period 3 June 1969 through 2 June 1971
- Adding the Combat Infantryman Badge and Army Good Conduct Medal to his DD Form 214
- Making the corrections described in Administrative Note(s) below

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 applicant's service records show he is authorized additional awards not annotated on his DD Form 214. As a result, amend his DD Form 214 for the service period ending 2 June 1971 to show:

- Bronze Star Medal with First Oak Leaf Cluster
- 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 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 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.

3. Army Regulation 600-8-22 (Military Awards) provides Army policy, criteria, and administrative instructions concerning individual military decorations.

a. The Combat Infantryman Badge is awarded to infantry officers and to enlisted and warrant officer persons who have an infantry military occupational specialty (MOS). 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.

b. The Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified. Any one of the following periods of continuous enlisted active Federal military service qualifies for award:

- Each 3 years 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
- For first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year
- For first award only, upon termination of service, on or after 27 June 1950, of less than 1 year when final separation was by reason of physical disability incurred in line of duty
- For first award only, for those individuals who died before completing 1 year of active Federal service if the death occurred in the line of duty

//NOTHING FOLLOWS//