

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 September 2024

DOCKET NUMBER: AR20240000923

APPLICANT REQUESTS: award of the Combat Infantryman Badge.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 20 (Enlisted Qualification Record)
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge)

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 was an infantryman wounded in combat and he received a Purple Heart but was never awarded a Combat Infantryman Badge. He did not know it could be fixed.

3. The applicant provides the following documents:

a. DD Form 214, item 4a (Date Inducted) shows he was inducted into the Army of the United States on 18 March 1968. His military occupational specialty was 11B (Light Weapons Infantryman).

b. His DA Form 20 reflects the following information:

- item 38 (Oversea Command) reflects he served in the U.S. Army Reserve Pacific (USARPAC) – Vietnam from 21 August 1968 through 14 October 1968.
- item 39 (Record of Assignments):
  - 28 August 1968 to 9 October 1968 – Company A, 3rd Battalion, 47th Infantry, 9th Infantry Division in USARPAC

- 10 October 1968 to 13 October 1968 – MHD 106th General Hospital
- 14 October 1968 – MHD, Irwin Army Hospital , Fort Riley, KS
- His conduct and efficiency ratings reflects “excellent” and “unknown”
- item 40 (Wounds) shows wounds in both legs, buttocks, and back on 29 September 1968
- Item 41 (Awards and Decorations): does not reflect the award of the Combat Infantryman Badge

d. His DD Form 214 for the period ending 24 October 1969 reflects he was honorably released from active duty and transferred to the USAR. He completed 1 year, 7 months, and 7 days of net active service with 1 month and 24 days of foreign service in Vietnam. Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Purple Heart
- Republic of Vietnam Campaign Medal with 1960 device
- 1st Class Gunner (machine gun)
- Marksman Marksmanship Qualification Badge with Rifle Bar

e. His record does not reflect any orders authorizing the award of the Combat Infantryman Badge or the Army Good Conduct Medal. In addition, his record does not contain any derogatory information.

#### 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 evidence shows the applicant was an infantryman serving in an infantry unit when he was wounded in action. The Board found this evidence sufficient to confirm the applicant 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 29 September 1968
- Awarding him the Army Good Conduct Medal for the period 18 March 1968 through 24 October 1969
- Adding the Combat Infantryman Badge and Army Good Conduct Medal to his DD Form 214
- Making the corrections described in Administrative Note(s) below

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 NOTES(S):

A review of the applicant's records shows he is authorized the following:

a. Item 24: add the following awards -

- Vietnam Service Medal with one bronze service star
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Meritorious Unit Commendation 1 January – 31 December 1968, Department of the Army General Order (DAGO), 36, 1970
- Republic of Vietnam Civil Actions Honor Medal, First Class – 19 December 1966 – 28 June 1969, DAGO 59, 1969

b. Item 30 (Remarks): "Service in Vietnam from 21 August 1968 through 14 October 1968"

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) states the Combat Infantryman Badge is awarded to infantry officers and to enlisted and warrant officer persons. An Army Soldier must have an infantry military occupational specialty and must have satisfactorily performed duty while assigned or attached as a member of an infantry, ranger, or special forces unit of brigade, regimental, or smaller size during any period such unit was engaged in active ground combat. A Soldier must be personally present and under hostile fire while serving in an assigned infantry primary duty, in a unit actively engaged in ground combat with the enemy, to close with and destroy the enemy with direct fires.

3. Army Regulation 672-5-1 (Awards), in effect at the time, states 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. 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.

4. 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. The definition of requirement to be "engaged in active ground combat" has generated much dialogue over the years as to the original intent of the Combat Infantry Badge. The intent has been clarified over time as being personally present, under fire, and engaging in action against the enemy in ground forces combat. It is not awarded for battle participation credit.

5. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) shows his unit of assignment during his service in Vietnam was cited by Department of the Army General Order (DAGO) Number 8, dated 1974, awarded the RVN Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Military Assistance Command, and its subordinate units during the period 8 February 1962 to 28 March 1973 and to Headquarters, U.S. Army Vietnam, and its subordinate units during the period 20 July 1965 to 28 March 1973.

6. Army Regulation 635-5 (Separation Documents) in effect at the time, established the standardized policy for preparing and distributing the DD Form 214. It states that item 30 (Remarks) to reflect the total active duty service performed outside the continental limits of the United States for the period covered by the DD Form 214.

//NOTHING FOLLOWS//