

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 September 2024

DOCKET NUMBER: AR20240000925

APPLICANT REQUESTS:

- award of the Combat Infantryman Badge (CIB)
- a personal appearance before the Board

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)

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 not awarded the CIB. He served in Company B, 1st Battalion, 12th Infantry, 4th Infantry Division, for his full tour. His military occupational specialty (MOS) was 11B20 (Light Weapons Infantryman). He was kicked out of a bird into a rice paddy during a firefight on his first day into the field. He stayed in the bush for his full tour minus standdowns. The 4th Infantry Division sent him home with a jungle shirt that had three patches sewn on it, his name, the unit patch and a CIB.
3. A review of the applicant's service records show:
 - a. He was inducted in the Army of the United States on 13 January 1969 and was awarded military occupational specialty (MOS) 11B (Light Weapons Infantryman).
 - b. His DA Form 20 (Enlisted Qualification Record) shows in:

(1) item 31 (Foreign Service) – service in Vietnam from 18 September 1969 to 17 September 1970; he was assigned to Company B, 1st Battalion, 12th Infantry, 4th Infantry Division, Vietnam (2 October 1969 to 11 September 1970).

(2) item 41 (Awards, Decorations and Campaigns) – National Defense Service Medal, Vietnam Service Medal, Republic of Vietnam Campaign Medal with Device (1960), two overseas bars, and the Marksman Marksmanship Qualification Badge with Rifle Bar (M-14).

c. He was honorably released from active duty on 18 September 1970. His DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) show he completed 1 year, 8 months, and 6 days of active service. He was awarded or authorized:

- National Defense Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Vietnam Service Medal
- Two overseas bars
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-14)
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)

4. There are no Special Orders in his service record that show he was awarded the CIB.

5. By regulation (AR 15-185), an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

6. By regulation (AR 672-5-1), an individual must be an infantry officer in the grade of colonel or below, or an enlisted man or a warrant officer with infantry MOS, who, subsequent to 6 December 1941, has satisfactorily performed duty while assigned or attached as a member of an infantry unit of brigade, regimental, or smaller size during any period such unit was engaged in active ground combat.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted. The Board found the available evidence sufficient to consider this case fully and fairly without a personal appearance by the applicant.

2. The Board found that, although the applicant was an infantryman assigned to an infantry unit in Vietnam, other than his own statement, the evidence does not confirm his participation in active ground combat. In the absence of additional evidence corroborating his claim to have participated in ground combat, the Board determined his eligibility for the Combat Infantryman Badge cannot be confirmed at this time.

3. 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

[REDACTED] [REDACTED] [REDACTED] DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Other than the corrections addressed in Administrative Note(s) below, the Board determined 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 otherwise insufficient as a basis for correction of the records of the individual concerned.

3/6/2025

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 NOTE(S):

A review of the applicant's records show he was awarded or authorized the following awards not reflected on his DD Form 214 for the service period ending 18 September 1970. As a result, amend his DD Form 214 to show:

- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation
- one silver service star with the Vietnam Service Medal

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.
 - 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.
3. Army Regulation 672-5-1 (Awards), in effect at the time, states the purpose of the awards program is to provide tangible evidence of public recognition for acts of valor and for exceptional service or achievement. Paragraph 96 (Combat Infantryman Badge) stated an individual must be an infantry officer in the grade of colonel or below, or an enlisted man or a warrant officer with infantry MOS, who, subsequent to 6 December 1941, has satisfactorily performed duty while assigned or attached as a member of an infantry unit of brigade, regimental, or smaller size during any period such unit was engaged in active ground combat. Battle participation credit alone is not sufficient; the unit must have been in active ground combat with the enemy during the period.

4. 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. A bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign.

5. Department of the Army Pamphlet 672-3 (Unit Citations and campaign Participation Credit Register) assist commanders and personnel officers in determining or establishing the eligibility of individual members for campaign participation credit, assault landing credit, and unit citation badges awarded during the Vietnam Conflict.

a. Department of the Army General Order (DAGO) Number 53, dated 1970, awarded the Republic of Vietnam Civil Actions Honor Medal First Class, to 12th Infantry, 1st Battalion for service in the Republic of Vietnam from 1 October 1966 to 31 October 1969.

b. DAGO Number 8, dated 1974, announced award of the Republic of Vietnam 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.

//NOTHING FOLLOWS//