

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 September 2024

DOCKET NUMBER: AR20240000994

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), ending on 1 June 1973, to show the Purple Heart and Combat Infantryman Badge.

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

- DD Form 149 (Application for Correction of Military Record)
- Purple Heart Certificate

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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, in 1971 he was wounded in Vietnam. In the field at Fire Base Hall, he was awarded his Purple Heart and the Combat Infantryman Badge in a field ceremony. The award was saved back in the admin office. In December he was medically evacuated to Letterman Hospital in San Francisco. He was discharged at Ford Hood, TX, in June 1973. While his family received the Purple Heart certificate (which he now has) that was sent to his enlistment address, he never received the award and both the Purple Heart and Combat Infantryman Badge never appeared on his DD Form 214. He did not care at the time, but now that he is older, he would like to have both awards. He was assigned to the 1st Battalion, 7th Air Cavalry.

3. A review of the applicant's official record shows the following:

a. On 1 September 1970, the applicant enlisted in the Regular Army in Military Occupational Specialty (MOS) 11B (Light Weapons Infantryman).

b. DA Form 20 (Enlisted Qualification Record) shows the following in:

(1) Item 22 (MOS) 11B.

(2) Item 31 (Foreign Service) served in Vietnam from 9 October 1971 through 31 December 1971.

(3) Item 38 (Record of Assignments) while in Vietnam he served with Headquarters and Headquarters Company, 1st Battalion, 7th Cavalry, 3rd Brigade, as an Infantry Squad Leader. He has all excellent conduct and efficiency report with the exception of unknown while in a transient and patient status.

(4) Item 41 (Awards and Decorations) shows National Defense Service Medal and the Vietnam Service Medal.

c. On 5 November 1971, an unclassified message was transmitted which shows the applicant in MOS 11B while assigned to 1st Battalion, 7th Cavalry, 3rd Brigade, 1st Cavalry Division was wounded. He received fragmentation wounds to both legs, his back, and head, while being attacked at a night defensive position.

d. On 1 June 1973, the applicant was honorably released from active duty and transferred to the U.S. Army Reserve Control Group. He completed 2 years, 9 months, and 1 day of net active service. DD Form 214, item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) shows:

- National Defense Service Medal
- Vietnam Service Medal with one bronze service star
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar

5. General Orders Number 2165 issued by Headquarters, 3rd Brigade, 1st Cavalry Division, awarded him the Purple Heart for wounds received in connection with military operations against a hostile force in Vietnam on 6 November 1971.

6. His service record does not contain Special Orders awarding him the Combat Infantryman Badge.

7. His service record also does not contain General Orders awarding him the Army Good Conduct Medal. Likewise, his record does not contain derogatory information such as lost time or conviction by a court-martial.

BOARD DISCUSSION:

1. 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. Purple Heart: Grant. General Orders awarded him the Purple Heart for wounds received in connection with military operations against a hostile force in Vietnam on 6 November 1971. This award is not shown on his DD Form 214.

b. Combat Infantryman Badge: Grant. The applicant was trained in and held an infantry MOS. He served in Vietnam from 9 October 1971 through 31 December 1971. He was assigned to Headquarters and Headquarters Company, 1st Battalion, 7th Cavalry, as an Infantry Squad Leader, when he was wounded in action on 6 November 1971. 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 determined there is sufficient evidence to show he met the criteria for award of the Combat Infantryman Badge.

c. Army Good Conduct Medal: Grant. As a related award, although not specifically requested, the Board noted that the applicant served continuously on active duty from 1 September 1970 to 1 June 1973; he completed 2 years, 9 months, and 1 day of net active service. 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).

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

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

In addition to the correction addressed in Administrative Note(s) below, 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 the applicant the Combat Infantryman Badge on 6 November 1971
- awarding the applicant the Army Good Conduct Medal (1st Award) for service during the period 1 September 1970 through 1 June 1973
- adding awards of the Purple Heart, 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.

ADMINISTRATIVE NOTE(S):

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 for the period ending 1 June 1973, by amending it to add:

- 2 bronze service stars to be affixed to his Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.

- DA Form 20
- DD Form 214
- General Orders Number 2165 issued by Headquarters, 3rd Brigade, 1st Cavalry Division, dated 6 November 1971
- Department of the Army General Orders Number 8, dated 1974
- Department of the Army Pamphlet 672-3

3. Please correct the applicant's DD Form 214 by deleting/adding the awards shown in paragraph 1a and b above. Provide the applicant a copy of the corrections. Please ensure that the correction are recorded in the applicant's official military personnel record.

REFERENCES:

1. Title 10, USC, 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 (AR) 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). 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. AR 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.

4. AR 635-5 (Separation Documents) in effect at the time prescribes the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service or control of the Army. All available records will be used as a basis for the preparation of DD Form 214, including DA Form 20. Item 24; enter from DA Form 20 all decorations, service medals, campaign credits, and badges awarded or authorized.

//NOTHING FOLLOWS//