

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 October 2024

DOCKET NUMBER: AR20240001964

APPLICANT REQUESTS:

- award of the Combat Infantryman Badge (CIB)
- correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 12 May 1972 to show award of the CIB

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- DD Form 214 for the period ending 11 September 1969
- DD Form 214 for the period ending 12 May 1972
- two DD Forms 215 (Correction to DD Form 214), 16 December 1974 and 30 December 1975
- Self-authored Statement, 22 October 1991
- Captain [REDACTED] Letter, 5 November 1991
- U.S. Army Reserve Personnel Center Letter, 17 December 1992
- Letter to Congressional Representative, 4 February 1993
- Congressional Representative Letter, 15 February 1993
- Office of the Secretary of the Army Letter, 18 February 1993
- Congressional Representative Letter, 22 February 1993
- U.S. Army Reserve Personnel Center Letter, 19 March 1993
- Congressional Representative Letter, 19 March 1993
- Department of Veterans Affairs Letter, 15 November 2021
- Letter to Congressional Representative, 10 September 2022
- U.S. Army Human Resources Command Letter, 26 September 2022

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 detailed to the Infantry Branch in a rear guard action for 40 days, in part due to his prior service as an enlisted infantryman while serving in Vietnam in 1971-1972. He now requests award of the CIB for that service.

a. He did not realize he was eligible for the CIB until 1991 when he was gathering records for a possible National Guard enlistment. In 1991, he was able to find the former captain who served as the S-1 (personnel officer) during the subject period. The captain verified that no orders were ever published assigning him to the Infantry Branch.

b. He is now rated as a 100-percent disabled veteran with blood cancer associated with exposure to Agent Orange and he attempted to obtain the CIB through his congressional representative in 2022. Once again, the request was rejected for a lack of orders; however, he had the option to appeal to this Board. The lieutenant with whom he served died in 2006 and Captain [REDACTED] passed away in 2022. He did what he was ordered to do and issuance of orders was beyond his control during this hectic period.

c. He was under the impression that he needed to serve 90 days with the infantry rather than the required 30 days. He did not realize that he was eligible for the CIB until considering enlisting in the National Guard in 1991. He then pursued correction of his records through his congressional representative, not realizing the Army would never correct his records without orders.

3. He was inducted into the Army of the United States on 1 August 1968. He completed his initial entry training and was awarded military occupational specialty (MOS) 11B10 (Light Weapons Infantryman).

4. He was honorably discharged on 11 September 1969 to accept a commission as an officer in the Army. His DD Form 214 for this period shows he completed 1 year, 1 month, and 11 days of total active service. He was awarded the Army Good Conduct Medal (1st Award) and National Defense Service Medal.

5. He was appointed as a Reserve commissioned officer of the Army in the Ordnance Corps for an indefinite term in the rank/grade of second lieutenant/O-1 effective 12 September 1969. He was promoted to the rank/grade of first lieutenant/O-2 effective 12 September 1970.

6. He was assigned to the 160th Heavy Equipment Maintenance Company in Vietnam as a platoon leader in duty MOS 4803 (Maintenance Officer) effective 20 September 1971.

7. His DA Form 67-6 (U.S. Army Officer Efficiency Report) covering the period 16 July 1971 through 30 November 1971 (72 duty days and 66 other days) shows the reason for submission as change of duty. His branch is shown as ordnance and his duty MOS and principle duty are shown as 4803 (Automotive Repair Platoon Leader). He served as an assistant adjutant from 16 July 1971 through 30 July 1971 and as an automotive repair platoon leader from 31 July 1971 through 19 September 1971. He supervised 4 noncommissioned officers and 29 enlisted men in the repair of wheeled vehicles and major assemblies. (Note: This evaluation report makes no mention of performance of infantry duties while assigned to an infantry unit actively engaged in ground combat with the enemy.)

8. He was assigned to Headquarters, Maintenance Support Company, 62d Maintenance Battalion (Direct Support), in Vietnam as an S-2/S-3 (Intelligence and Security/Training) officer in duty MOS 2162 (Operations and Training Staff Officer) effective 1 December 1971.

9. His DA Form 67-6 covering the period 1 December 1971 through 13 May 1972 (155 duty days) shows the reason for submission as permanent change of station. His branch is shown as ordnance and his duty MOS and principle duty are shown as 2162 (Intelligence Officer). He served as an intelligence officer for a maintenance battalion consisting of an infantry company and three other units. He coordinated the many aspects of planning, construction, lighting, and security and alert forces, insuring a safe compound at all times. (Note: This evaluation report makes no mention of performance of infantry duties while assigned to an infantry unit actively engaged in ground combat with the enemy.)

10. His military records do not contain orders awarding him an infantry officer MOS or showing he was detailed to an infantry officer MOS assigned to an infantry unit actively engaged in ground combat with the enemy.

11. His military records do not contain orders awarding him the CIB.

12. He was honorably released from active duty on 12 May 1972 and transferred to the U.S. Army Reserve Control Group (Reinforcement). He completed 2 years, 8 months, and 1 day of net active service during this period. His DD Form 214 for this period shows in:

- item 4 (Department, Component, and Branch or Class) – Ordnance
- item 22c (Foreign and/or Sea Service) – U.S. Army Pacific – 7 months and 25 days
- item 23a (Specialty Number and Title) – 4815 Mechanic Maintenance Officer

- item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) –
  - National Defense Service Medal
  - Vietnam Service Medal
  - Army Good Conduct Medal
  - Republic of Vietnam Campaign Medal with Device (1960)
- item 25 (Education and Training Completed) –
  - U.S. Army Engineer School – Engineer Officer Candidate Course – 1969
  - U.S. Army Ordnance Center and School – Ordnance Officer Orientation Course – 1969
  - U.S. Army Ordnance Center and School – Mechanic Maintenance Officer Course – 1970
- item 30 (Remarks) – Republic of Vietnam: 14 September 1971-8 May 1972; Indochina – Yes, Korea – No

13. Department of the Army General Orders Number 8, 19 March 1974, confirmed 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.

14. He was issued two DD Forms 215, 16 December 1974 and 30 December 1975, adding award of the Bronze Star Medal, Army Commendation Medal, and three bronze service stars with his previously awarded Vietnam Service Medal to his DD Form 214 for the period ending 12 May 1972.

15. His notarized statement, 22 October 1991, states he was appointed to the position of S-2/S-3 for the 62d Maintenance Battalion as a first lieutenant in Vietnam in December 1971. In February 1972, the unit moved to another location and he volunteered when the infantry company assigned to the battalion was ordered to provide security. Having an enlisted infantry background, he was comfortable in the role and was assigned two squads of infantry Soldiers to set up perimeter security. He and the other lieutenant in charge of the other two squads conducted periodic reconnaissance outside the perimeter wire and occasionally experienced enemy fire. Although no orders were published to cover this assignment, it was not unusual.

16. The notarized letter from [REDACTED] 5 November 1991, states he finds the applicant's 22 October 1991 statement to be accurate. He served as the S-1 of the 62d Maintenance Battalion in Vietnam in 1971-1972. No orders were ever published

assigning the applicant as an infantryman to his knowledge; however, the applicant did serve in that capacity. The applicant was awarded the Bronze Star Medal for meritorious service for his activities with the unit.

17. The U.S. Army Reserve Personnel Center letter from the Chief, Awards Branch, Entitlement Division, 17 December 1992, notified him that his request for award of the CIB was denied. The letter informed him that the CIB was established to give recognition to the infantryman assigned to an infantry unit whose daily duty is to meet and destroy the enemy. The award must be limited to those individuals who have met the established criteria. All individuals whose basic branch is other than infantry must have orders for the award.

18. He provided numerous letters from 1993 for congressional assistance in being awarded the CIB with responses noting he was ineligible for the award.

19. The U.S. Army Reserve Personnel Center letter from the Chief, Special Actions Division, Veterans Services Directorate, to his congressional representative, 6 March 1993, states, in part:

Service members with an infantry specialty who perform primary infantryman duty during ground combat are eligible for the Combat Infantryman Badge (CIB). Battle participation credit alone is not enough. Although soldiers assigned to other units performed valuable combat duty, the CIB was established to give recognition to the infantryman. Therefore, the award may be authorized for only those individuals who meet that specific standard. However, because of a special provision pertaining only to service in the Republic of Vietnam, any officer whose basic branch is other than infantry, who, under appropriate orders, has commanded an infantry unit of brigade, regimental, or smaller size for at least thirty consecutive days is deemed to have been detailed in infantry and is eligible for the CIB notwithstanding absence of a written directive detailing him or her in infantry, provided all other requirements for such award have been met. [Applicant's] record shows that his primary duty was 2162, S2/3 Officer, while he was a member of HMSC [Headquarters, Maintenance Support Company], 62nd Maintenance Battalion which consisted of an Infantry Company and three other units while serving in the Republic of Vietnam, and that he was the Intelligence Officer, not the Commanding Officer of this unit from December 1, 1971, to May 3, 1972; therefore, he is not entitled to the CIB.

20. The Department of Veterans Affairs letter, 15 November 2021, shows his summary of benefits and notes his combined service-connected disability evaluation is 100 percent.

21. His letter to his congressional representative, 10 September 2022, requests assistance in being awarded the CIB. He describes his service in Vietnam and notes he is a disabled veteran.

22. The U.S. Army Human Resources Command letter from the the Awards and Decorations Branch Chief to his congressional representative, 26 September 2022, states the applicant's entitlement to the CIB was denied. He further states, in part:

...During Vietnam, Commanders were authorized to award the CIB to Soldiers who held a Military Occupational Specialty (MOS) of Infantryman; were assigned or attached to an Infantry, Ranger or Special Forces unit of brigade or smaller size; and satisfactorily performed Infantry duties and actively participated with such unit while engaged in ground combat with the enemy on a specific date.

Moreover, during the Vietnam Conflict, any officer whose basic branch is other than Infantry who, under appropriate orders, commanded a line Infantry (other than a headquarters) unit of brigade, regimental, or smaller size for at least 30 consecutive days is deemed to have been detailed in Infantry and is eligible for award of the CIB notwithstanding absence of a written directive detailing that Soldier in the infantry, provided all other requirements for the award have been met. Orders directing the officer to assume command will be confirmed, in writing, at the earliest practicable date.

Please note, there are no available Army orders or other official documentation from the time that confirms [Applicant] met the aforementioned regulatory criteria in Vietnam on a specific date. Accordingly, we are unable to take further administrative action.

If [Applicant] finds this response to be unfair, his next course of action is to appeal this decision to the highest appellate authority on personnel matters. He may contact the Army Board for Correction of Military Records (ABCMR)...

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board majority found that relief was warranted.

2. The Board carefully considered the applicant's contentions, his record of service to include service in Vietnam, his officer specialty, the absence of orders assigning him to security duty with two infantry squads, the statement from a fellow officer attesting to his duties, the previous denial of his request from HRC and the OERs in his files. A majority of the Board determined that a preponderance of evidence support the award

of a CIB to the applicant. The Board minority determined that the evidence presented was not sufficient to show that he performed the duties of an infantryman while assigned to an infantry unit and that he engaged in active ground combat with the enemy, and recommended denial of the award of a CIB.

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, in addition to the correction shown in the Administrative Notes that follow, the Board recommends that all Department of Army records of the individual concerned be corrected as follows:

- Awarding him the CIB for actions in February 1972 in Vietnam, and;
- by amending his DD Form 214, for the period ending 12 May 1972 to show award of the Army Reserve Components Overseas Training Ribbon.

X █

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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): The applicant is authorized administrative correction of his DD Form 214 for the period ending 12 May 1972 without Board action to show award of the 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 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR will decide cases on the evidence of record; it is not an investigative body. The Board begins its consideration of each case with the presumption of administrative regularity. 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) states the CIB is awarded to infantry or special forces officers and enlisted and warrant officer persons who have an infantry or special forces MOS. They must have served in active ground combat while assigned or attached to an infantry, ranger, or special forces unit of brigade, regimental, or smaller size. Specifically, a recipient must be personally present and under hostile fire while serving in an assigned infantry or special forces primary duty in a unit actively engaged in ground combat with the enemy. Battle or campaign participation credit alone is not sufficient; the unit must have been in active ground combat with the enemy during the period. Personnel with other than an infantry or special forces MOS are not eligible, regardless of the circumstances. A Soldier must meet the following three requirements for award of the CIB:

- a. be an infantryman satisfactorily performing infantry duties,
- b. be assigned to an infantry unit during such time as the unit is engaged in active ground combat, and
- c. actively participate in such ground combat.

4. Army Regulation 672-5-1 (Awards), in effect at the time, promulgated Department of the Army policy, criteria, and administrative instructions concerning individual military awards. Paragraph 96 (CIB) 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. Awards may be made to assigned members of ranger infantry

companies assigned or attached to tactical infantry organizations. Awards will not be made to general officers or to members of headquarters companies or units larger in size than brigades. Any officer whose basic branch is other than infantry who, under appropriate orders, has commanded an infantry unit of brigade, regimental, or smaller size for at least 30 consecutive days is deemed to have been detailed in infantry and is eligible for award of the CIB notwithstanding absence of written orders detailing him in the infantry, provided all other requirements for such award have been met. Orders directing the individual to assume command will be confirmed in writing at the earliest practicable date.

5. U.S. Army Vietnam Regulation 672-1 (Decorations and Awards) provided for award of the CIB during the Vietnam era. Appendix V (CIB Guidance) provided that the criteria contained in Army Regulation 672-5-1, paragraph 96, are based on the principle that the infantry MOS identifies the man who is trained, lives, and fights as an infantryman. (Note: Army Regulation 611-201 (Enlisted Career Management Fields and Military Occupational Specialties) identifies MOSs in the 11 series with letters B, C, D, F, G, and H as infantry MOSs). The CIB is the unique award which was established to recognize the infantryman and only the infantryman, for his service. The CIB has succeeded in its basic purpose of distinguishing the infantryman and has maintained the morale and distinction of our basic fighting arm. Further, the CIB is not an award for being shot at or for undergoing the hazards of day-to-day combat. Other awards and decorations are designed to recognize these situations.

a. The term "smaller size" infantry unit used in Army Regulation 672-5-1, paragraph 96, is a unit of squad, platoon, or company size. For example, personnel possessing an infantry MOS in a rifle squad or a cavalry platoon of an armored cavalry troop would be eligible for award of the CIB if other criteria are met.

b. Officers, basic branch other than infantry, who have been detailed infantry under the provisions of Army Regulation 614-10 (U.S. Army Personnel Exchange Program with Armies of Other Nations), are considered infantry officers for the purpose of determining eligibility for award of the CIB.

c. Award of the CIB to certain armor officers.

(1) The award of the CIB to armor officers serving in infantry units is authorized, provided these officers are:

- (a) serving in infantry units as the result of the armor-infantry infusion program;
- (b) detailed to infantry;

(c) awarded an infantry MOS (i.e., 1542 (Infantry Unit Commander), 1543 (Infantry Heavy Mortar Unit Commander), 1560 (Infantry Unit Commander (Mechanized)), or 2162 (Operations and Training Staff Officer (G-3, S-3))); and

(d) satisfactorily performing 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 military operations against a hostile foreign force.

(2) This is an exception to Army Regulation 672-5-1, paragraph 96. Special orders will cite unclassified Department of the Army Message 49007 of 19 October 1976 as the authority.

//NOTHING FOLLOWS//