

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

DATE: 25 September 2024

DOCKET NUMBER: AR20240002245

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show:

- award of the Combat Infantryman Badge
- his award of the Army Commendation Medal with First Oak Leaf Cluster
- military occupational specialty (MOS) 13A (Field Artillery Basic)

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

- DD Form 149 (Application for Correction of Military Record), 6 December 2023
- Self-authored statement, 5 August 2024

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 in reviewing his DD Form 214 he noticed the Army Commendation Medal with Oak Leaf Cluster is missing. His original MOS of 13A10 is not listed although he spent most of his combat time on a 105 mm Howitzer. He spent about 4 weeks training as a replacement with his battery and was told he would receive a secondary MOS of 11B and a Combat Infantryman Badge. He saw some substantial action and firefights while he was with an infantry unit. He was later assigned to the rear as an assistant and later, he served as a Battery clerk and received the 71H MOS. After returning stateside he was assigned to the Adjutant General's Office and was given a security clearance.
3. A review of the applicant's record confirms he is eligible for awards that are not recorded on his DD Form 214. These awards will be added to his DD Form 214 as administrative corrections and will not be considered by the Board.
4. A review of the applicant's service records shows:

a. On 15 April 1968, he was inducted into the Army of the United States. He completed Basic Combat Training at Fort Lewis, he completed Advanced Individual Training at Fort Sill, and he was awarded MOS 13A (Field Artillery Basic).

b. Special Orders Number 189, issued by Headquarters (HQ), U.S. Army Training Center, Fort Sill, dated 7 August 1968, awarded him the Marksman Marksmanship Qualification Badge with Rifle Bar (M-16).

c. On 16 August 1968, he was ordered to Vietnam, and he was assigned to A Battery, 2d Battalion, 40th Artillery, 199th Infantry Brigade (Separate) (Light).

d. Special Orders Number 24, dated 24 January 1969, promoted him to private first class (PFC) in MOS 71H20 (Personnel Specialist).

e. Special Orders Number 62, dated 3 March 1969, amended SO Number 24 with an effective date of promotion of 6 January 1969 in the MOS 71H20.

f. Special Orders Number 172, dated 21 June 1969, promoted him to specialist 5 in the MOS 71H20. These orders further awarded him secondary MOS (SMOS) 13E (Cannon Fire Direction Specialist) and withdrew SMOS 13A.

g. General Orders Number 1274, dated 16 August 1969, awarded him the Army Commendation Medal.

h. On 28 August 1969, he returned to the continental United States from Vietnam.

i. General Orders Number 1929, dated 18 November 1969, awarded him the Army Commendation Medal with First Oak Leaf Cluster.

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

(1) was awarded Primary MOS (PMOS) 71H on 6 January 1969 and he was awarded SMOS 13E on 20 June 1969;

(2) was awarded or authorized the following awards and decorations:

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

- Army Good Conduct Medal; and

(3) served in Vietnam during four campaigns.

k. On 14 April 1970, he was honorably released from active duty. His DD Form 214 shows in:

(1) item 23a (Specialty Number and Title) – 71H20 (Personnel Specialist);

(2) item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized):

- Army Commendation Medal
- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- Army Good Conduct Medal

5. His records are void of orders awarding him MOS 11B (Combat Infantryman) and void of orders awarding him the Combat Infantryman Badge.

6. By regulation (USARV 672-5-1), award of the Combat Infantryman Badge during the Vietnam era was authorized for only to enlisted individuals who held and served in MOS 11B, 11C, 11D, 11F, 11G, or 11H.

7. By regulation (AR 635-5) in effect at the time, the DD Form 214 was to show the primary MOS code number and title in item 23a. It was also to show education and training completed in item 25.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found partial relief is warranted.

2. The applicant did not hold an infantry MOS during his military service. The Board determined he was not eligible for the Combat Infantryman Badge.

3. The Board found the applicant's DD Form 214 properly shows the primary MOS he held at the time of his release from active duty. However, the Board noted his training for MOS 13A is not shown on the DD Form 214. The Board determined his DD Form

214 should be corrected to document the training he received for his initial primary MOS.

4. The Board concurred with the corrections described in Administrative Note(s) below.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
■	■	■	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by making the following amendments to his DD Form 214:

- Add to item 25 – Advanced Individual Training, MOS 13A, 4 weeks, 1968
- Make the corrections described in Administrative Note(s) below

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to any relief in excess of that described above.



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's records contain sufficient evidence to support additional amendments to his DD Form 214 and should be administratively corrected to show in item 24, award of:

- One Oak Leaf Cluster with the Army Commendation Medal
- four bronze service stars with the Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

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. U.S. Army Vietnam Regulation 672-5-1 (Decorations and Awards), in effect at the time, prescribed policies, responsibilities, and criteria in order to insure prompt and proper recognition of individuals. It provided instruction for award of the CIB during the Vietnam era. Appendix V stated the CIB was awarded only to enlisted individuals who held and served in MOS 11B (Infantryman), 11C (Indirect Fire Infantryman), 11D (Armor Reconnaissance Specialist), 11F (Infantry Operations and Intelligence Specialist), 11G (Infantry Senior Sergeant), or 11H (Infantry Direct Fire Crewman).

3. Army Regulation 635-5 (Separation Documents), Effective 1 February 1967, prescribed the separation documents that would be furnished each individual who was separated from the Army including Active Duty Training personnel and established standardized procedures for the preparation and distribution of these documents. All available records would be used as a basis for the preparation of the DD Form 214, including DA Form 20, DA Form 66, and orders.

a. In item 23a (Specialty Number and Title), enter primary MOS code number and title. If the specialty represented by the MOS has a related civilian occupation, enter in item 23b the appropriate job title and code number from the dictionary of occupational titles. If not applicable enter "NA."

b. In item 24, enter from item 21, DA Form 66 (Officer Qualification Record), or section 9, DA Form 20 (Enlisted Qualification Record) all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

There is no provision for entering Certificates of Appreciation in item 24 of the DD Form 214.

4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register (January 1960 – February 1986)), in effect at the time, shows:

a. 2d Battalion, 40th Artillery, was awarded:

- Republic of Vietnam Gallantry Cross with Palm Unit Citation by DAGO Number 51, 1971, for the period 19 June 1968 to 31 July 1970
- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation by DAGO Number 51, 1971, for the period 12 December 1966 to 31 August 1970

b. He served in Vietnam during the following campaigns:

- Vietnam Counteroffensive, Phase V, 1 July 1968 – 1 November 1968
- Vietnam Counteroffensive, Phase VI, 2 November 1968 – 22 February 1969
- Tet 69 Counteroffensive, 23 February 1969 – 8 June 1969
- Vietnam Summer – Fall I 1969, 9 June 1969 – 31 October 1969

//NOTHING FOLLOWS//