

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 November 2024

DOCKET NUMBER: AR20240002346

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 (CIB).

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

- DD Form 149 (Application for Correction of Military Record)
- Partial Special Orders 300, Headquarters, 101st Airborne Division (Airmobile)
- Partial Special Orders 301, Headquarters, 101st Airborne Division (Airmobile)
- Partial Special Orders 315, Headquarters, 101st Airborne Division (Airmobile)
- Letter of Commendation from Headquarters, 1st, Brigade, 101st Airborne Division (Airmobile) to the Commanding Officer, 2nd Brigade 502nd Infantry Airmobile) 101 Airborne Division (Airmobile)
- General Orders 5821, Headquarters, 101st Airborne Division (Airmobile)
- General Orders 8664, Headquarters, 101st Airborne Division (Airmobile)
- DD Form 214

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 his DD Form 214 does not include the CIB. His search for orders awarding him the CIB was unsuccessful. However, he has included documentation to show he served as an infantryman in combat requiring award of the CIB. Please issue him the CIB and correct his DD Form 214 to show the badge. He also states the CIB is one of the most coveted medals a Soldier can earn. He earned the CIB in Vietnam. As such the CIB was earned but not awarded. Documentation means a great deal. Especially in these days. It is his desire to have this error officially corrected.

3. The applicant was inducted into the Army of the United States on 4 May 1970. Following completion of training, he was awarded military occupational specialty (MOS) 11B (Light Weapons Infantryman).
4. His DA Form 20 (Enlisted Qualification Record), shows in:
 - Block 22 (MOS) –
 - “Primary (PMOS) 11B10 (Light Weapons Infantryman), 4 Sep 70 [lined through]”
 - “PMOS 11B10T2 (Light Weapons Infantryman), 21 Feb 71”
 - Block 31 (Foreign Service) – 15 October 1970 through 14 October 1971
 - Block 38 (Record of Assignments) –
 - Combat Training (BCT), Company E, 1st Battalion, 2nd BCT Brigade, “USATC,” Basic Fort Leonard Wood, MO, from 8 May to 5 July 1970”
 - Headquarters, Headquarters Company, 4th Battalion, 2nd Brigade, Fort Ord, CA, from 6 July to 14 September 1970, for advanced individual training in MOS 11B
 - Enroute/Leave Status, from 15 September to 3 November 1970
 - Company D, 2nd Battalion (Airmobile), 502nd Infantry, USARPAC, from 4 November 1970 to 7 October 1971, in MOS 11B, as a rifleman
 - Enroute/Leave Status, from 8 October to 9 December 1971
 - On 9 December 1971, he was released from active duty and was assigned to the United States Army Reserve (USAR) Control Group (Annual Training)
 - Block 41 (Awards and Decorations) –
 - National Defense Service Medal
 - Marksman Marksmanship Qualification Badge with Rifle Bar
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar
 - Vietnam Service Medal
 - Air Medal
 - Bronze Star Medal
 - Vietnam Campaign Medal
5. Block 38 also shows he received excellent conduct and efficiency ratings on: 8 May 1970, 6 July 1970, and 4 November 1970.

6. The applicant was honorably released from active duty on 9 December 1971, in the rank/grade of private first class/E-3. The DD Form 214 he was issued shows he completed 1 year, 6 months, and 23 days of active service, with 1 year of foreign service. It also shows in:

- Block 24 (Decorations, Medals, Badges, Commendations, and Citations and Campaign Ribbons Awarded or Authorized) - National Defense Service Medal, Bronze Star Medal, Vietnam Campaign Medal with 1960 Device, Air Medal, Vietnam Service Medal with 1 bronze service star
- Block 26a (Non-Pay Periods Time Lost) – “21-25 September 1970” and “21-28 November 1971”
- Block 30 (Remarks) – “Vietnam 15 October 1970-14 October 1971”

7. The applicant submitted the following documents in support of his request:

a. Three partial orders from Headquarters, 101st Airborne Division (Airmobile), dated between October and November 1970, listing his name, and showing he held MOS 11B.

b. A Letter of Commendation, dated 28 January 1971, written to the Commanding Officer, 2nd Brigade 502nd Infantry Airmobile), from the 101 Airborne Division (Airmobile), thanking personnel who participated in the extraction of two downed airmen on 17 January 1971. The applicant is not mentioned by name.

c. General Orders 5821, and General Orders 8664 awarding him the Air Medal and Bronze Star Medal, which are already listed on his DD Form 214.

8. By regulation (AR 600-8-22) there are three requirements for award of the Combat Infantryman Badge:

- the Soldier must be an infantryman satisfactorily performing infantry duties
- the Soldier must be assigned to an infantry unit during such time as the unit is engaged in active ground combat
- the Soldier must actively participate in such ground combat

9. As a related award, although not specifically requested by the applicant, his record does not contain any other derogatory information that would have disqualified him from receiving his first award of the Army Good Conduct Medal.

10. By regulation (AR 672-5-1), the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service 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. There must have been no convictions 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 Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The evidence of record shows the applicant held military occupational specialty (MOS) 11B (Light Weapons Infantry) and served in the Republic of Vietnam in a designated infantry MOS, which satisfies one of the fundamental eligibility requirements for the Combat Infantryman Badge. A contemporaneous letter of appreciation, dated shortly after 17 January 1971, explicitly recognizes the applicant’s role in the extraction of two downed airmen under combat conditions. This documentation serves as credible evidence of direct participation in ground combat operations – a key requirement for the award. Based on the applicant’s confirmed infantry service, substantiated participation in ground combat during a hostile extraction mission, and meritorious recognition by leadership at the time of action, the Board majority recommends relief and the Combat Infantryman Badge be awarded accordingly. The Board minority concluded there was insufficient evidence to support award of the Combat Infantryman Badge.

2. Prior to closing the discussion, the Board determined the applicant was entitled additionally to the Army Good Conduct Medal and recommends this award be added to his DD Form 214 based on his time served and conduct and efficiency ratings during service. The Board concurs with the administrative note 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 partial 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
- awarding the applicant the Army Good Conduct Medal (First Award) for the period 4 May 1970 to 9 December 1971
- amending the applicant's DD Form 214, for the period ending 9 December 1971 to show award of the Combat Infantryman Badge and Army Good Conduct Medal (First Award)



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 record found evidence sufficient to amend his DD Form 214 for the period ending 9 December 1971 by adding the RVN 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. U.S. Army Vietnam (USARV) Regulation 672-1 (Awards and Decorations) governed award of the Combat Infantryman Badge to Army forces operating in South Vietnam. This regulation stated:

a. The criteria for award of the Combat Infantryman Badge identified the man who trained, lived, and fought as an infantryman and that the Combat Infantryman Badge was the unique award established to recognize the infantryman and only the infantryman for his service. Further, "the Combat Infantryman Badge is not an award for being shot at or for undergoing the hazards of day to day combat." This regulation also stated the Combat Infantryman Badge was authorized for award to infantry officers, to enlisted personnel, and to warrant officers who had an infantry specialty/military occupational specialty and required that they must have served in active ground combat while assigned or attached to an infantry unit of brigade, regimental, or smaller size.

b. Appendix V of USARV Regulation 672-1, Decorations and Awards, 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. Army Regulation 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. Service school efficiency ratings based upon academic proficiency of at least "Good" rendered after 22 November 1955 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.

//NOTHING FOLLOWS//