

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 October 2024

DOCKET NUMBER: AR20240002361

APPLICANT REQUESTS:

- Correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), ending 31 July 1969, to show award of the Combat Infantryman Badge, Air Medal, and Army Commendation Medal
- Video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Special Orders Number 285, issued by Headquarters, U.S. Army School/Training Center and Fort McClellan, dated 1 December 1967 (Primary Military Occupational Specialty (PMOS))
- Certificate, Air Medal
- Citation, Air Medal
- Certificate, Army Commendation Medal
- Citation, Army Commendation Medal
- Certificate of Combat Service
- 6 photographs
- DD Form 214, ending on 31 July 1969

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 he would like his official military records to be corrected before his passing. He states he was awarded these medals for his honorable service while serving in Vietnam and they should be reflected on his DD Form 214.

3. A review of the applicant's service record confirms awards were omitted from his DD Form 214.

a. The following awards and decorations will be added to his DD Form 214 as administrative corrections and will not be considered by the Board:

- Presidential Unit Citation
- Meritorious Unit Commendation
- Valorous Unit Award
- One silver service star to the previously awarded Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal First Class

b. The Board will consider his request for correction of his DD Form 214, effective 31 July 1969, to show award of the Combat Infantryman Badge, Air Medal, and Army Commendation Medal.

4. A review of the applicant's service record shows:

a. He was inducted into the Army of the United States on 1 August 1967.

b. Special Orders Number 285, issued by Headquarters, U.S. Army School/Training Center and Fort McClellan, dated 1 December 1967, awarded him PMOS 11B10 (Light Weapons Infantryman), effective 8 December 1967.

c. DA Form 20 (Enlisted Qualification Record) shows in:

(1) Item 22 (Military Occupational Specialties): 11B10 – Light Weapons Infantry; and 94B20 (Cook).

(2) Item 31 (Foreign Service): 7 January 1968 – 6 January 1969 – USARPAC-Republic of Vietnam.

(3) Item 38 (Record of Assignments):

- 14 February 1968; 11B10; Rifleman, Headquarters and Headquarters Company (HHC), 2nd Battalion, 39th Infantry Regiment, 9th Infantry Division
- 20 February 1968; 94B20; Cook; HHC, 2nd Battalion, 39th Infantry Regiment, 9th Infantry Division
- 6 January 1969; Casual; Enroute to Continental United States (CONUS)
- He earned all excellent conduct and efficiency ratings with the exception of permanent changes of station

(4) Item 41 (Awards and Decorations):

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device 1960
- Vietnam Unit Citation
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

d. He was honorably released from active duty under the provisions of Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel), Chapter 2, for completion of required service on 31 July 1969. He completed 2 years of active service. His DD Form 214 shows in item:

- 23a (Specialty Number and Title) 94B20 – Cook.
- 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):
 - National Defense Service Medal
 - Vietnam Service Medal w/2 bronze service stars
 - Republic of Vietnam Campaign Medal with Device 1960
 - 2 Overseas Service Bars
 - Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

5. The applicant's available service record does not contain orders for award of the Combat Infantryman Badge, Air Medal, or Army Commendation Medal.

6. The applicant provides:

a. Certificate and citation for award of the Air Medal for meritorious achievement while participating in aerial flight in the Republic of Vietnam from 9 January to 15 March 1968.

b. Certificate and citation for award of the Army Commendation Medal for meritorious service in connection with military operations against a hostile force in the Republic of Vietnam from January to December 1968.

c. Certificate of Combat Service that states he served with the 9th Infantry Division in armed conflict against insurgent forces in the Republic of Vietnam.

d. Six photographs; five of a Soldier in uniform and one of a sign that shows four playing cards with "Alpha Aces."

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.
2. Regarding the Air Medal and Army Commendation Medal, the Board found the certificates and citations the applicant provided insufficient as a basis for adding these medals to his DD Form 214, noting that the available records do not include orders announcing these awards. The Board determined the Air Medal and Army Commendation Medal should not be added to his record at this time.
3. Regarding the Combat Infantryman Badge, the Board found no evidence confirming the applicant participated in active ground combat with while serving in MOS 11B and further noted that the applicant was assigned to duty as a cook almost immediately after he began his tour of duty in Vietnam. The Board determined the evidence does not demonstrate the applicant met the criteria for the Combat Infantryman Badge.
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:

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.

	3/31/2025
X	[REDACTED]

CHAIRPERSON

[REDACTED]

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 awards that were omitted from his DD Form 214. Correct the DD Form 214 by adding:

- Presidential Unit Citation
- Meritorious Unit Commendation
- Valorous Unit Award
- 1 silver service star 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

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. AR 600-8-22 (Military Awards) prescribes Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards.

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. The Army Commendation Medal may be awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

3. USARV Regulation 672-1 (Decorations and Awards) provided guidelines for award of the Air Medal. It stated passenger personnel who did not participate in an air assault were not eligible for the award based upon sustained operations. It defined terms and provided guidelines for the award based upon the number and types of missions or hours. Twenty-five Category I missions (air assault and equally dangerous missions) and accrual of a minimum of 25 hours of flight time while engaged in Category I missions was the standard established for which sustained operations were deemed worthy of recognition by an award of the Air Medal. However, the regulation was clear that these guidelines were considered only a departure point.

4. Department of the Army Pamphlet 672-3 (Unit and Campaign Participation Credit Register) states a bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign. During his service in Vietnam, the applicant participated in the following 5 campaigns:

- Vietnam Counteroffensive, Phase III, 1 June 1967 – 29 January 1968
- TET Counteroffensive, 30 January 1968 – 1 April 1968
- Vietnam Counteroffensive, Phase IV, 2 April 1968 – 30 June 1968
- Vietnam Counteroffensive, Phase V, 1 July 1968 – 1 November 1968
- Vietnam Counteroffensive, Phase VI, 2 November 1968 – 22 February 1969

5. AR 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. 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.

//NOTHING FOLLOWS//