

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 November 2024

DOCKET NUMBER: AR20240002666

APPLICANT REQUESTS: award of the Combat Infantryman Badge.

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

- DD Form 149 (Application for Correction of Military Record)
- Bronze Star Medal Certificate, 22 September 1971
- Wikipedia Article, re: 82nd Field Artillery Regiment Vietnam War
- Letter of Support, 22 March 2017

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 should be awarded the Combat Infantryman Badge for being in combat while assigned and serving with the 23rd Infantry Division at Landing Zone Vandegrift during Operation Lam Son 719 along the North Vietnam border. He was fired upon and returned fire on the night of 21 March 1971 when the enemy tried to overrun his unit's perimeter. He and four other veterans who served with him received the Bronze Star Medal for stopping the enemy from infiltrating their unit's perimeter. He has three grandsons actively serving in the Armed Forces, and they believe he should apply to the Board for relief.
3. A review of the applicant's record confirms he is eligible for awards and campaign credits that are not recorded on his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge). The entries will be added to his DD Form 214 as administrative corrections and will not be considered by the Board.
4. The applicant provides:
 - a. A Wikipedia Article summarizing the 82nd Field Artillery Regiment during the Vietnam War.

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

- a. He enlisted in the Regular Army on 22 January 1970. He held military occupational specialty (MOS) 82C (Artillery Surveyor).
- b. His DA Form 20 (Enlisted Qualification Record) shows:
 - he served in Vietnam from 21 February 1971 to 1 November 1971
 - he was assigned in Vietnam to Headquarters and Headquarters Battery, 1st Battalion, 82d Artillery in MOS 82C
 - he had all "excellent" conduct and efficiency ratings except for a period of "unknown" ratings from 8 July 1970 to 5 July 1971
- c. General Orders Number 10505, dated 22 September 1971 awarded the applicant the Bronze Star Medal for meritorious achievement in connection with military operations against a hostile force while assigned to Headquarters and Headquarters Battery, 1st Battalion, 82d Artillery, 23d Infantry Division, Republic of Vietnam.
- d. The available service record is void of documentation or orders for the Combat Infantryman Badge.
- e. He was honorably released from active duty on 5 November 1971. His DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), as amended by his DD Form 215 (Correction to DD Form 214) show he completed 1 year, 9 months, and 14 days of active service. It also includes:
 - item 23a (Specialty Number and Title): 82C (Artillery Surveyor)
 - item 22 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):
 - National Defense Service Medal
 - Vietnam Service Medal
 - Bronze Star Medal
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
 - Republic of Vietnam Campaign Ribbon with Device 1960
 - Republic of Vietnam Gallantry Cross with Unit Palm Citation

6. By regulation (AR 600-8-22), 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.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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) 82C (Artillery Surveyor). The applicant served in Vietnam from 21 February 1971 to 1 November 1971. The Board determined he does not meet the criteria for award of the Combat Infantryman Badge since he did not hold an infantry MOS and was not assigned to an infantry unit and/or served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or smaller size.
2. Prior to closing the discussion, the Board minority noted the applicant's service from 22 January 1970 to 5 November 1971, and lack of derogatory information in his record to award him the Army Good Conduct Medal.
3. Additionally, the Board reviewed and concurred 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 evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

3/28/2025



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):

A review of the applicant's service records show he is authorized campaign credits and additional awards not annotated on his DD Form 214. As a result, amend his DD Form 214 to show two bronze service stars with his previously issued Vietnam Service Medal.

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 600-8-22 (Military Awards) provides Army policy, criteria, and administrative instructions concerning individual military decorations. 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. 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, 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. 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.
4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) assist commanders and personnel officers in determining or establishing the eligibility of individual members for campaign participation credit, assault landing credit, and unit citation badges awarded during the Vietnam Conflict. Paragraph 8a shows that during his service in Vietnam, participation credit was awarded for the following two campaigns:
 - Vietnam Counteroffensive, Phase VII (1 July 1970 to 30 June 1971)
 - Consolidation I (1 July 1971 to 30 November 1971)

//NOTHING FOLLOWS//