

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 October 2024

DOCKET NUMBER: AR20240002889

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

- Purple Heart
- Combat Infantryman Badge

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

- DD Form 149, Application for Correction of Military Record
- General Orders Number 12416
- 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 is authorized the Purple Heart and additional awards which will be addressed through an administrative correction without action by the Board.
3. The applicant states that everyone in his unit received the Combat Infantryman Badge.
4. On 27 February 1969, he was inducted into the Army. He held military occupational specialty 11B (light weapons infantryman).
5. His DA Form 20 (Enlisted Qualification Record) shows he served in the Republic of Vietnam (RVN) from 27 July 1969 to 25 July 1970. He was assigned to Company C, 4th Battalion, 21st Infantry, 11th Infantry Brigade from 7 August 1969 to 21 July 1970 performing the duties of a grenadier and automatic rifleman.

6. General Orders Number 12416, published by Headquarters, Americal Division, on 5 December 1969, awarded him the Purple Heart for wounds received in connection with military operations against a hostile force on 1 December 1969.

7. A review of the Awards and Decorations Computer-Assisted Retrieval System (ADCARS), an index of general orders issued during the Vietnam era between 1965 and 1973 maintained by the Military Awards Branch of the U.S. Army Human Resources Command, failed to reveal any orders for awards pertaining to the applicant.

8. On 25 February 1971, he was honorably released from active duty. His DD Form 214 shows he was awarded or authorized:

- National Defense Service Medal
- Bronze Star Medal
- 2nd Class Gunner Marksmanship Qualification Badge with Machine Gun Bar (M-60)
- Vietnam Service Medal
- Army Commendation Medal
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-14)
- Vietnam Campaign Medal with Device "1960"
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)

9. Regulatory guidance provides the Combat Infantryman Badge is awarded based on three requirements. The Soldier must be an infantryman satisfactorily performing infantry duties, he must be assigned to an infantry unit during such time as the unit is engaged in active ground combat, and he must actively participate in such ground combat.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, the evidence found within the military record, and applicable policies, the Board found that relief was warranted.

2. The Board carefully considered the applicant's, his record of service to include service in Vietnam, his MOS, the orders awarding him the Purple Heart. The Board concurs with adding the PH to the applicant's DD Form 214 as reflected in the Administrative Notes that follow. The Board considered the applicant's duty MOS and unit of assignments at the time of his wounding. The Board found that a preponderance of evidence supports he was an infantryman satisfactorily performing infantry duties, assigned to an infantry unit during such time as the unit is engaged in active ground

combat, and he was actively participating in such ground combat. The Board determined that the applicant is entitled to award of the Combat Infantryman Badge.

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, in addition to the corrections in the Administrative Notes that follow, that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 25 February 1971 by:

- awarding him Combat Infantryman Badge to actions on 1 December 1969 in the Republic of Vietnam
- adding the CIB to his DD Form 214

6/10/2025

X

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): administratively correct the applicant's DD Form 214, ending 25 February 1971 to add/show:

- Purple Heart
- Vietnam Service Medal with three bronze service stars
- 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 (AR) 600-8-22, Military Awards, provides:

a. There are basically three requirements for award of the Combat Infantryman Badge. The Soldier must be an infantryman satisfactorily performing infantry duties, he must be assigned to an infantry unit during such time as the unit is engaged in active ground combat, and he must actively participate in such ground combat.

b. The Vietnam Service Medal is awarded to all members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through 28 March 1973. A bronze service star will be awarded for wear on the Vietnam Service Medal for participation in each credited campaign. A silver service star is authorized in lieu of five bronze service stars. The applicant participated in the following three campaigns:

- Vietnam Summer-Fall 1969, 9 June 1969 – 31 October 1969
- Vietnam Winter-Spring 1970, 1 November 1969-30 April 1970
- DA Sanctuary Counteroffensive, 1 May 1970-30 June 1970

4. Department of the Army Pamphlet 672-3, Unit Citation and Campaign Participation Credit Register, lists the awards received by units serving in Vietnam. This pamphlet shows the 4th Battalion, 21st Infantry was cited for award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period 24 August 1969 to 31 December 1969; and 31 March 1970 to 30 June 1970 by Department of the Army General Order (DAGO) Number 42, 1972.

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. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//