

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 November 2024

DOCKET NUMBER: AR20240003547

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
- a video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending on 28 June 1968

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 was a rifleman who served in the 82nd Airborne Division in the Dominican Republic and Vietnam. He was awarded the Vietnam Service Medal, Armed Forces Expeditionary Medal, and the National Defense Service Medal.
3. The applicant's records contain sufficient evidence to support corrections not shown on his DD Form 214. These awards will be added administratively without Board action. The Board will consider his request for the Combat Infantryman Badge.
4. A review of the applicant's service record shows:
 - a. He enlisted in the Regular Army on 29 July 1965.
 - b. DA Form 20 (Enlisted Qualification Record) shows, in pertinent part:
 - (1) Item 22 (Military Occupational Specialties (MOS)):

- Primary MOS: 11B2P – Light Weapons Infantryman
- Secondary MOS: 11H2P – Infantry Direct Fire Crewman

(2) Item 38 (Record of Assignments): 23 April 1968 to 1 June 1968; 11B2P – Rifleman; Headquarters and Headquarters Company, 3d Brigade (Long-Range Reconnaissance Patrol), 82d Airborne Division. He had all excellent conduct and efficiency ratings with the exception of permanent changes of station.

(3) Item 41 (Awards and Decorations):

- Parachutist Badge
- Armed Forces Expeditionary Medal (Dominican Republic)
- National Defense Service Medal
- Vietnam Service Medal

c. The applicant was honorably released from active duty and transferred to the U.S. Army Reserve on 28 June 1968. He completed 2 years and 11 months of active service. His DD Form 214 shows he was awarded:

- Parachutist Badge
- Armed Forces Expeditionary Medal
- National Defense Service Medal
- Vietnam Service Medal

5. The applicant's record does not contain orders for award of the Combat Infantryman Badge.

6. The applicant's record does not contain orders or recommendation for award of the Army Good Conduct Medal or evidence his commander disqualified him for the award. His record does not contain evidence of a court-martial conviction nor any other derogatory information that would disqualify him from the award of the Army Good Conduct Medal.

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 Board determined there is no evidence to support service in Vietnam. The Board determined he does not meet the criteria for award of the Combat Infantryman Badge since he 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. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

3. Prior to closing the discussion, the Board determined the applicant is eligible for award of the Army Good Conduct Medal and the award should be added to his DD Form 214.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. 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.

2. The Board determined the evidence presented is sufficient to warrant administrative relief. As a result, the Board recommends 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 28 June 1968 by:

- awarding him the Army Good Conduct Medal (First Award) for the qualifying period 29 July 1965 to 28 June 1968
- adding the Army Good Conduct Medal (First Award) to his DD Form 214

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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.

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. Army Regulation (AR) 600-8-22 (Military Awards) states the Combat Infantryman Badge is awarded to infantry officers and to enlisted and warrant officer persons who have an infantry military occupational specialty. 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. AR 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. There must have been no convictions by a court-martial.

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 campaign: Vietnam Counteroffensive, Phase IV, 2 April 1968 – 30 June 1968.

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//