

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 October 2024

DOCKET NUMBER: AR20240003587

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 Medical Badge.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:  
DD Form 149 (Application for Correction of Military Record)

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:
  - a. The US Government and Department of Defense (DoD) should locate the documents of which he believes there must be multiple copies, in each of the entities of Headquarters and Company A, 4th Medical Battalion, 4th Infantry Division and elsewhere, to recognize his honorable service while under fire and confirm his award. As a draftee who answered the call of duty to his country, he expects a full and sincere apology.
  - b. When the 4th Division moved from Pleiku to An Khe, Vietnam in late winter/early spring of 1970, he, along other medical personnel volunteered to remain at Camp Enari, Pleiku with a smaller contingent of medical support troops to render aid, support and comfort to the infantrymen still there. Towards the end of March 1970, his unit came under fire, during which he performed his duty. After the combat operation there, we joined the rest of the Division at Camp Radcliff in An khet, Vietnam where he was awarded the Combat Medical badge for performing duties as military occupational specialty (MOS) 91G20. The DoD's inability to find the orders awarding him this badge greatly dishonors him and his fellow Soldiers, whose suffering he attended to.
3. A review of the applicant's service record shows:

a. He was inducted into the Army of the United States on 5 September 1968 with a 2-year active duty commitment. He completed training with award of the MOS 91G (Social Worker).

b. His DA Form 20 (Enlisted Qualification Record) shows he served in Vietnam from 23 October 1969 to 5 June 1970, through three campaigns. He served as a Clinical Psychiatrist Specialist with Company D, 4th Medical Battalion 4th Infantry Division and Headquarters and Company A, 4th Medical Battalion, 4th Infantry Division.

c. The available service record also contained the below listed orders:

- Special Orders #256, 24 October 1968 – Sharpshooter Marksmanship Qualification Badge with Hand Grenade
- Special Orders #16, 16 January 1969 – Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- General Orders #2525, 21 April 1970 – Good Conduct Medal

d. He was honorably released from active duty on 5 June 1970. His DD Form 214 shows he completed 1 year, 9 months, and 1 day of active service. It also shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal
- One Overseas Service Bar
- Sharpshooter Qualification Badge with Rifle Bar (M-14)

e. Letter Orders Number 08-1282490 dated 20 August 1974 honorably discharged the applicant from the U.S. Army Reserve with an effective date of 1 September 1974.

4. 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. The entries will be added to his DD Form 214 as administrative corrections and will not be considered by the Board.

5. By regulation, the Combat Medical Badge is awarded to medical department personnel (colonel and below) who are assigned or attached to a medical unit of company or smaller size that is organic to an infantry unit of either a brigade, regiment, or smaller size which is engaged in actual ground combat. Battle participation credit is not sufficient; the infantry unit must have been in contact with the enemy and the Soldier must have been personally present and under fire during such ground combat.

6. Department of the Army General Orders 8 of 1974 awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Army, Vietnam, and subordinate units for the period 20 July 1965 to 28 March 1973.

#### 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) 91G (Social Work) and served in Vietnam from 23 October 1969 to 5 June 1970; assigned to D Company, 9th Medical Battalion, 9th Infantry Division. The Combat Medical Badge is authorized for several qualifying wars, conflicts, and operations, including Vietnam from 2 March 1961 to 28 March 1973. In order to be awarded the Combat Medical Badge, the member, with a qualifying medical specialty, must be assigned or attached by appropriate orders to an infantry unit of either a brigade, regiment, or smaller size, or to a medical unit of company or smaller size, organic to an infantry unit of brigade or smaller size, during any period the infantry unit is engaged in actual ground combat. The member must satisfactorily perform medical duties during any period the unit is engaged in active ground combat, provided the member is personally present and under fire. Based on the absence of evidence he satisfactorily performed medical duties during a unit's engagement in active ground combat, the Board found insufficient evidence the applicant met the criteria for award of the Combat Medical Badge or evidence he was awarded the Combat Medical Badge.

2. Prior to closing the discussion, the Board determined the applicant was eligible for an additional award not annotated on his DD Form 214. The applicant served a qualifying eligibility period for award of the Army Good Conduct Medal (First Award) for his service from 5 September 1968 to 5 June 1970, a period of 1 year, 9 months, and 1 day. Additionally, the Board reviewed and concurred with the administrative note below.

Mr 1	Mr 2	Mr 3
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:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

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. Prior to closing the discussion, the Board determined the applicant was authorized an additional award not annotated on his DD Form 214. 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 5 June 1970 by:

- awarding him the Army Good Conduct Medal (First Award) for the qualifying period 5 September 1968 to 5 June 1970
- adding the Army Good Conduct Medal (First Award) to his DD Form 214

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 additional campaign credits and awards not annotated on his DD Form 214 for the service period ending 5 June 1970. As a result, amend his DD Form 214 to show:

- Good Conduct Medal
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Sharpshooter Marksmanship Qualification Badge with Hand Grenade Bar
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- three bronze service stars with his previously awarded 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 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 is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. 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. Department of the Army General Orders 8 of 1974 awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Army, Vietnam, and subordinate units for the period 20 July 1965 to 28 March 1973.

4. Army Regulation 600-8-22 (Military Awards) states the Combat Medical Badge is awarded to medical department personnel (colonel and below) who are assigned or attached to a medical unit of company or smaller size that is organic to an infantry unit of a brigade, regiment, or smaller size which is engaged in actual ground combat. Battle participation credit is not sufficient; the infantry unit must have been in contact with the enemy and the Soldier must have been personally present and under fire during such ground combat. The Combat Medical Badge is authorized for award for Afghanistan (Operation Enduring Freedom, 24 October 2001 to 31 August 2021).

a. The CMB was created as a "companion" badge to the CIB with criteria for its award intended to parallel that of the CIB. It was designed to provide recognition to the field medic who accompanies the infantryman into battle and shares with the experiences unique to the infantry in combat. There was never any intention to award the CMB to all medical personnel who serve in a combat zone or imminent danger area, that is, a division-level medical company supporting a maneuver brigade.

b. The sole criteria that qualifies medical personnel for award of the CMB is to be assigned or attached to an infantry unit engaged in active ground combat. Medical

personnel other than those medics organic to infantry units may qualify only if they serve as medical personnel accompanying infantrymen.

//NOTHING FOLLOWS//