

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 December 2024

DOCKET NUMBER: AR20240003763

APPLICANT REQUESTS: his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 24 August 1982 to reflect:

- list combat operations
- Combat Infantryman Badge
- Vietnam Ribbons
- "Cold War Medal"
- Army Good Conduct Medal
- restoration of rank to sergeant (SGT), E-5

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

- DD Form 149 (Application for Correction of Military Record)
- Department of Defense Military Service Information (Excerpt)

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 his official record does not reflect combat operations. Additionally, it does not reflect a Combat Infantryman Badge, Vietnam ribbons, medals, or the Cold War Medal. He would like his rank of sergeant restored and his record to reflect the Army Good Conduct Medal for his military service period. He contends he earned the combat time and the Combat Infantryman Badge as a member of the 82d Airborne. He would like to be recognized for combat.
3. The applicant provides
 - a. Page 222 and 223 of his Department of Defense Military Service Information wherein the applicant circles the rank of corporal (CPL), E-4 for his Regular Active

Service period of 13 February 1975 to 25 August 1982. Additionally, he circles military pay type codes for the following:

- 01 – Combat Zone Tax Exclusion (CZTE)
- 02 – Hostile Fire/Imminent Danger
- 03 – Hazardous Duty Incentive

b. Two Army Leave and Earnings Statements (LES):

- 1-31 August 1975
- 1-30 April 1978

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

a. He was inducted into the Army of the United States on 13 February 1975.

b. On 20 June 1975, the applicant was awarded the military occupational specialty, 11E (Armor Crewman). He also completed airborne training at Fort Benning, GA.

c. He was transferred to his first assignment at Battery D, 3d Battalion, 4th Air Defense Artillery, Fort Bragg, NC as an 11B (Infantryman).

d. His DA Form 2-1 (Personnel Qualification Record) shows the following promotions and reductions:

- Private (PV2)/E-2 27 May 1975
- Private First Class (PFC)/E-3, 1 September 1975
- Specialist Four/E-4 1 May 1976
- Sergeant (SGT)/E-5, 1 December 1979
- SP4/E-4, 15 October 1980
- PFC/E-3, 24 April 1981

e. He was honorably discharged on 24 August 1977 for immediate reenlistment. His DD Form 214 (Report of Separation and Record of Service) for this period shows in:

- Blocks 6a (Grade, Rate or Rank) and Block 6b (Pay Grade) SP4/E-4
- Block 7 (Date of Rank) 1 August 1976)
- Block 26 (Decorations, Medals, Badges, Commendation. Citations and Campaign Ribbons Awarded or Authorized): Parachutist Badge and Expert Badge with Rifle and Pistol Bars

f. The applicant reenlisted in the Regular Army on 25 August 1977, in the grade of SP4/E-4. He was promoted to SGT/E-5 on 1 December 1979.

g. On 15 October 1980, the applicant accepted nonjudicial punishment for three counts of disrespect to a superior commissioned officer on or about 17 September 1980, to a noncommissioned officer on or about 19 September 1980, and to a superior commissioned officer on or about 21 September 1980. His punishment included reduction to SP4/E-4.

h. The applicant's Leave and Earnings Statements show he was eligible for jump pay from 1 August 1975 through 30 November 1977.

i. On 13 November 1980, the personnel records show the applicant was a deliberate airborne terminator. Additionally, Orders 317-64, show his parachute duty and MOS 16S20P was terminated effective 13 November 1980 resulting in removal of the special skill identifier "P".

j. On 24 April 1981, he accepted nonjudicial punishment on 24 April 1981 for two specifications of failure to be at his appointed place of duty on or about 23 December 1980 and 1 January 1981. He was reduced to PFC/E-3.

k. A review of the applicant's official records show he was reduced to private first class/E-3.

m. His DD Form 214 shows he completed 5 years of active, total prior active service and 2 years, 6 months, and 12 days of prior active service. His DD Form 214 shows in:

- Block 6a (Grade, Rate or Rank) SP4
- Block 6b (Pay Grade) E-4
- Block 7 (Date of Rank) 1 August 1976
- Block 12f (Foreign and/or Sea Service) 0000-00-00
- Block 26 (Decorations, Medals, Badges, Commendation. Citations and Campaign Ribbons Awarded or Authorized):
- Army Good Conduct Medal
- Army Service Ribbon
- Overseas Service Ribbon
- NCO Professional Development Ribbon with Numeral 2
- Army Achievement Medal
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16A1)
- Expert Marksmanship Qualification Badge with Pistol Bar (45 cal)
- Marksman Marksmanship Qualification Badge with Hand Grenade Bar

n. The available service record is void of supporting documentation to show:

- service in combat operations, including Vietnam
- subsequent award of the Army Good Conduct Medal

5. The Cold War Recognition Certificate is not governed by the provisions of Army Regulation 600-8-22 (Military Awards) and, as a result, is not shown on a discharge document. In accordance with section 1084 of the Fiscal Year 1998 National Defense Authorization Act, the Secretary of Defense approved awarding the Cold War Recognition Certificate to all members of the armed forces and qualified federal government civilian personnel who faithfully and honorably served the United States anytime during the Cold War era, which is defined as 2 September 1945 to 26 December 1991. The applicant may submit a request in writing to U.S. Army Human Resources Command, Cold War Recognition Program, ATTN: AHRC-PDP-A, Dept 480, 1600 Spearhead Division Avenue, Fort Knox, KY 40122-5408. Based on this information, the applicant's request for the Cold War Recognition Certificate will not be discussed any further in this Record of Proceedings.

6. By regulation (AR 635-5), the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

7. By regulation (AR 600-8-22): For award of the Combat Infantryman Badge, a Soldier must meet the following three requirements:

- be an infantryman satisfactorily performing infantry duties
- assigned to an infantry unit during such time as the unit is engaged in active ground combat
- actively participate in such ground combat

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Combat operations/Vietnam Ribbons: Deny. There is no evidence in the applicant's service records and he provides none to show he served in Vietnam or deployed to any combat theater.

b. Combat Infantryman Badge: Deny. The applicant's official record does not contain, and the applicant does not provide the special orders that awarded him the

Combat Infantryman Badge. If the applicant has a copy of the permanent order, he may resubmit his application to this Board for reconsideration.

c. Grade: Deny. The applicant was promoted to SGT/E-5 on 1 December 1979. However, he received NJP on 15 October 1980 that resulted in his reduction to SP4/E-4 and again on 24 April 1981, that resulted in his reduction to PFC/E-3. He held the rank of PFC/E-3 at the time of his separation and therefore, his DD Form 214 correctly reflects his rank and grade of PFC/E-3. The Board found no error or injustice.

d. Army Good Conduct Medal: No action. The Army Good Conduct Medal is awarded for every 3 years of continuous active service. This award is already listed on 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:

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.

12/20/2024
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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, 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), in effect at the time, prescribes Army policy, criteria, and administrative instructions concerning individual military awards.

a. The Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity during a qualifying period of active duty enlisted service. This period is 3 years except in those cases when the period for the first award ends with the termination of a period of Federal military service. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified.

b. For award of the Combat Infantryman Badge, a Soldier must meet the following three requirements:

- be an infantryman satisfactorily performing infantry duties
- assigned to an infantry unit during such time as the unit is engaged in active ground combat
- actively participate in such ground combat

4. Army Regulation 635-5 (Separation Documents), in effect at the time, states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. Entries for Block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) will be for all periods of service. Check Soldier's service records for validity of awards.

//NOTHING FOLLOWS//