

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 November 2024

DOCKET NUMBER: AR20240004397

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of the Purple Heart and Combat Infantryman Badge.

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

- DD Form 149 (Application for Correction of Military Record)
- General Orders Number 146, 30 August 1967 (Purple Heart (1st Award))

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 was wounded in Vietnam as a result of direct combat during a night patrol on 29 August 1967 and was awarded the Purple Heart.
3. A review of the applicant's service record shows:
 - a. He was inducted into the Army of the United States on 5 January 1967. He was trained in and held military occupational specialty 11H, Infantry Indirect Fire Crewman).
 - b. Special Orders Number 63, dated 17 April 1967 awarded him the Expert Marksmanship Qualification Badge with Recoilless Rifle Bar (M-67) and (M-40).
 - c. His DA Form 20 (Enlisted Qualification Record) shows he served in Vietnam from 2 June 1967 to 24 October 1967. He was assigned in Vietnam to:
 - 6 June 1967, Company B, 2nd Battalion, 5th Cavalry, 1st Cavalry Division as an 11H)
 - 14 September 1967, patient to Japan,

d. His DA Form also shows he received "excellent" conduct and efficiency ratings from date of entry until separation. Block 40 (Wounds) shows "Frag R (Right) Elbow" on 29 August 1967 and Block 41 (Awards and Decorations) shows:

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal
- Purple Heart
- Armed Forces Expeditionary Medal

e. General Orders Number 146, dated 30 August 1967 awarded the applicant the Purple Heart while assigned to Company B, 2nd Battalion, 5th Calvary, 1st Calvary Division.

f. The available service record is void of orders for award of the Combat Infantryman Badge.

g. He was honorably released from active duty on 20 October 1968. His DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) shows he completed 1 year, 9 months, and 16 days of active service. It also shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-14)
- Armed Forces Expeditionary Medal

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 (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.

6. As a related award, the applicant's service record does not contain orders awarding him the Army Good Conduct Medal (1st Award). His record is also void of any derogatory information that would have disqualified him from receiving this award.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Purple Heart. Grant. General orders awarded the applicant the Purple Heart. This award is not listed on his DD Form 214.

b. Combat Infantryman Badge: Grant. The evidence shows the applicant held an infantry MOS and served in Vietnam from June to October 1967. He was assigned to Company B, 2nd Battalion, 5th Cavalry, 1st Cavalry Division, as a grenadier. He was wounded during an engagement with the enemy on or about 29 August 1967. USARV Regulation 672-1 authorized award of the Combat Infantryman Badge to infantry personnel who were members of infantry platoons and squads in armored cavalry squadrons and regiments. The Board found it reasonable that he was wounded while his infantry unit was engaging the enemy and therefore determined there is sufficient evidence to show he met the criteria for award of the Combat Infantryman Badge.

c. Army Good Conduct Medal: Grant. As a related award, although not specifically requested, the Board noted that the applicant served continuously on active duty during the period 5 January 1967 through 20 October 1968. He completed 1 year, 9 months, and 16 days of net active service. He received excellent conduct and efficiency ratings. His record does not reflect any lost time or any derogatory information that would have disqualified him from receiving his first award of the Army Good Conduct Medal, or a commander's disqualifying memorandum for this award. The Board determined he met the criteria to be awarded the Army Good Conduct Medal (1st Award).

2. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

In addition to the correction addressed in Administrative Note(s) below, the Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- awarding the applicant the Combat Infantryman Badge on 29 August 1967
- awarding the applicant the Army Good Conduct Medal (1st Award) for service during the period 5 January 1967 through 20 October 1968.
- adding awards of the Purple Heart, Combat Infantryman Badge, and Army Good Conduct (1st 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 campaign credits and additional awards not annotated on his DD Form 214. As a result, amend his DD Form 214 by removing the Armed Forces Expeditionary Medal and to show:

- one bronze service star with his previously issued Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Expert Marksmanship Qualification Badge with Recoilless Rifle Bar (M-67)
- Expert Marksmanship Qualification Badge with Recoilless Rifle Bar (M-40)

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.

a. Paragraph 8a shows that during his service in Vietnam, participation credit was awarded for Vietnam Counteroffensive, Phase III (1 June 1967 to 29 January 1968).

b. Department of the Army General Orders (DAGO) Number 8, dated 1974, awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation for service in Vietnam to the following units:

(1) Headquarters, United States Military Assistance Command and its subordinate units during the period 8 February 1962 to 28 March 1973.

(2) Headquarters, United States Army Vietnam and its subordinate units during the period 20 July 1965 to 28 March 1973.

//NOTHING FOLLOWS//