

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 November 2024

DOCKET NUMBER: AR20240004410

APPLICANT REQUESTS: in effect, award of the Combat Infantryman Badge.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), for the period ending 5 June 1968

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 should be awarded the combat action award while assigned to the 198th Light Infantry outside the Chu Lai Air Base, Chu Lai, Quang Nam Province, Republic of Vietnam, from 1968 to 1969.
3. A review of the applicant's service record shows:
 - a. He enlisted in the Regular Army on 31 August 1966.
 - b. His DA Form 20 (Enlisted Qualification Record) shows he served in Vietnam from 6 October 1967 to 4 June 1968. He was assigned in Vietnam to Headquarters and Headquarters Company, 1st Battalion, 52d Infantry, 198th Infantry Brigade as an 11F (Infantry Operations and Intelligence Specialist). Block 41 (Awards and Decorations) shows he was awarded or authorized:
 - National Defense Service Medal
 - Vietnam Service Medal
 - Vietnam Campaign Medal with Device 1960

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

d. He was honorably released from active duty on 5 June 1968. His DD Form 214 shows he completed 1 year, 9 months, and 5 days of active service. It also shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

e. General Orders Number 3108, dated 8 June 1968 awarded the applicant the Army Good Conduct Medal while assigned to Headquarters and Headquarters Company, 1st Battalion, 52d Infantry, 198th Infantry Brigade.

5. 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.

6. 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.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was/was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's request and available military records, the Board determined the applicant served as a 11C Indirect Fire Infantryman and was assigned to Headquarters and Headquarters Company, 1st Battalion, 52d Infantry, 198th Infantry Brigade while in Vietnam. However, the Board found insufficient evidence that demonstrated the applicant's infantry unit was engaged in active ground combat. This board is not an investigative body. The Board determined despite the applicant's records, they agreed the burden of proof rest on the applicant, however, he did not provide sufficient documentation and his service record has insufficient evidence to support the applicant contentions for award of the combat infantryman badge. Therefore, the Board denied relief.

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:

Except for the correction addressed in Administrative Note(s) below, the Board found 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.

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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.

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:

- Army Good Conduct Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- three bronze service stars with his previously issued 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 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. 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//