

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 December 2024

DOCKET NUMBER: AR20240004438

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 (CIB).

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

- DD Form 149 (Application for Correction of Military Record)
- Air Medal Certificate awarded on 19 July 1969
- DD Form 214 for the period ending 10 July 1970

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 is requesting award of the Combat Infantryman Badge. He served in many combat missions in Vietnam. He has post-traumatic stress disorder and many other medical conditions related to his Vietnam service.
3. The applicant provides a copy of his Air Medal Certificate for participation in aerial flight in Vietnam from 1 January 1969 to 14 January 1969.
4. A review of the applicant's service record shows:
 - a. He was inducted into the Army of the United States on 12 July 1968.
 - b. His DA Form 20 reflects the following information:
 - (1) Item 22 Military Occupational Specialties (MOS's) shows he was qualified in MOS 11D Armor Intelligence Specialist on 8 November 1968.

(2) Item 31 (Foreign Service) shows he served in the Republic of Vietnam from 6 December 1968 to 4 December 1969.

(3) Item 38 (Record of Assignments) shows that during his time in the Republic of Vietnam he served in C Troop, 7/17th Air Cavalry in duty MOS 11B20, Senior Rifleman and 11D40, Scout.

(4) Item 38 shows that he received all "excellent" conduct and efficiency ratings.

(5) Item 41 (Awards and Decorations) shows no indication of award of CIB.

c. On 10 July 1970, he was honorably released from active duty. The DD Form 214 shows he completed 1 year, 11 months, and 29 days of active service. It also shows he was awarded or authorized the:

- Vietnam Service Medal with three bronze service stars
- National Defense Service Medal
- Republic of Vietnam Campaign Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar
- Sharpshooter Marksmanship Qualification Badge with

d. A DD Form 215 (Correction to DD Form 214) shows on 29 June 2007 a correction was made to the DD Form 214 for the service period ending 10 July 1970 to add the Air Medal.

5. His records are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal for the period 12 July 1968 through 10 July 1970.

6. A review of the Awards and Decorations Computer-Assisted Retrieval System (ADCARS), an index of general orders (and in some instances special orders) issued during the Vietnam era between 1965 and 1973 maintained by the Military Awards Branch of the U.S. Army Human Resources Command, failed to reveal any orders for the CIB pertaining to the applicant.

7. 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.

8. By regulation (AR 672-5-1), the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active service, 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 and there must be no convictions by a court-martial. Ratings of "Unknown" for portions of the period under consideration were not disqualifying. Service school efficiency ratings based upon academic proficiency of at least "Good" rendered subsequent to 22 November 1955 were not disqualifying.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, the evidence found within the military record, and regulations applicable to his request, the Board found that relief was not warranted.
2. The Board carefully considered the applicant's contentions, his record and length of service, his conduct and efficiency ratings, his awards and decorations, his MOS and duty assignments and the absence of orders in the absence of orders awarding him a CIB in the Awards and Decorations Computer-Assisted Retrieval System (ADCARS). The Board did not find, and the applicant did not provide evidence of him serving in active ground combat. Based on a preponderance of evidence, the Board determined that the absence of a CIB in his record was not in error or unjust.
3. Prior to closing their consideration, the Board noted that the applicant's record did not contain any disqualifying information in his record that would have prevented him from being awarded an Army Good Conduct Medal for his period of service. Further, the Board concurred with the correction stated in the Administrative Notes below.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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, except for the corrections stated in the Administrative Notes that follow, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

X 

CHAIRPERSON

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 records show he was awarded or authorized the following award not reflected on his DD Form 214. As a result, amend his DD Form 214 to show the Republic of Vietnam Gallantry Cross with Palm Unit Citation.

A review of the applicant's service record shows he is authorized an additional award on his DD Form 214. As a result, amend his DD Form 214, for the period ending 16 July 1970, to show award of the Army Good Conduct Medal (1st Award).

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) states 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 635-5 (Separation Documents), prescribed the separation documents that would be furnished each individual who was separated from the Army including Active-Duty Training personnel and established standardized procedures for the preparation and distribution of these documents. All available records would be used as a basis for the preparation of the DD Form 214, including DA Form 20. In item 24, enter from section 9, all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

4. Department of the Army Pamphlet 672-3 (Unit Citations 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 (DAGO) Number 8, dated 1974, awarded the Republic of Vietnam Gallantry Cross Unit Citation with Palm to Headquarters, United States Army Vietnam, for service in Vietnam for the period of 20 July 1965 to 28 March 1973.

5. 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, 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. Service school efficiency ratings based upon academic proficiency of at least "Good" rendered subsequent to 22 November 1955 were not disqualifying. There must have been no convictions by a court-martial. However, there was no right or entitlement to the medal until immediate commander made a positive recommendation for its award and until the awarding authority announced the award in general orders.

//NOTHING FOLLOWS//