

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 December 2024

DOCKET NUMBER: AR20240005420

APPLICANT REQUESTS: a personal appearance before the Board via video or telephone and correction of his DD Form 214 (Report of Separation from Active Duty) for the period ending 9 November 1976, to show:

- his service in the Republic of Vietnam from April 1968 to April 1969
- award of the Combat Infantryman Badge
- award of the Vietnam Service Medal
- award of the Air Medal
- award of the Parachutist Badge
- award of the National Defense Service Medal
- award of the Sharpshooter Marksmanship Qualification Badge with Rifle Bar

APPLICANT'S SUPPORTING DOCUMENT 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 Board will not consider the following portions of the applicant's requests, as these items will be addressed through an administrative correction:
 - Parachutist Badge
 - National Defense Service Medal
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar
3. The applicant enlisted in the Regular Army (RA) on 26 February 1965. He served in military occupational specialty 76K (General Supply Specialist).
4. On 2 March 1967, he was honorably discharged to immediately reenlist while at Fort Gulick, Canal Zone (Republic of Panama). The DD Form 214 he was issued shows he

served 1 year, 5 months and 21 days foreign service. He was awarded or authorized the:

- Parachutist Badge
- National Defense Service Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar

5. On 3 March 1967, at Fort Gulick, Canal Zone, he reenlisted in the RA for his present duty assignment.

6. He completed the 8-week Armorer course (76Y) in 1967.

7. General Orders Number 1840, issued by Headquarters, 5th Special Forces Group (Airborne), 1st Special Forces, dated 15 October 1968, awarded him the Army Good Conduct Medal while assigned to Headquarters and Headquarters Company (Command and Control North), 5th Special Forces Group (Airborne), 1st Special Forces.

8. His Official Military Personnel File contains a Disposition Form dated 10 October 1968, wherein the applicant requested a Lump Sum Payment of his Variable Reenlistment Bonus while assigned to Forward Operating Base #1, (Command and Control North), 5th Special Forces Group (Airborne), U.S. Army Vietnam (USARV).

9. On 9 November 1976, he was discharged under other than honorable conditions in accordance with Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), Chapter 10, in lieu of court-martial. The DD Form 214 he was issued does not show any foreign service this period. Evidence shows 2085 days lost under 10 U.S. Code 972 from 19 January 1971 thru 3 October 1976.

10. Army Regulation 635-5 (Personnel Separations – Separation Documents), then in effect, states the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge.

11. Army Regulation 15-185 (ABCMR) states an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board made the following findings and recommendations related to the requested relief:

- Annotate Vietnam Service/Award Vietnam Service Medal: GRANT, findings of the analyst of record and the annotation below in administrative notes.
- Award Combat Infantryman Badge: DENY, based upon the available documentation failing to show the applicant was an infantryman, a qualifying requirement for the CIB
- Award Air Medal: DENY, based upon the lack of evidence showing the applicant had the adequate number of flight hours and missions required to award the Air Medal
- Add Parachutist Badge: GRANT, based upon the information reflected on the applicant's previous DD Form 214 showing he obtained the Parachutist Badge
- Award National Defense Service Medal: GRANT, based upon the available documentation and the annotation below in the administrative notes from the analyst of record
- Award of the Sharpshooter Marksmanship Qualification Badge with Rifle Bar: GRANT, based upon the available documentation and the annotation below in the administrative notes from the analyst of record

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. The Board noted the administrative notes below from the analyst of record and recommended those changes be completed.
2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to all other requested relief.



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): The following orders and regulatory cites are sufficient to make the following administrative corrections to the applicant's DD Form 214 for the period ending on 9 November 1976 without action by the Board:

- Army Good Conduct Medal
- Parachutist Badge
- National Defense Service Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar
- Army Good Conduct Medal
- Vietnam Service Medal with 1 bronze service star
- Meritorious Unit Commendation
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation

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 there are basically three requirements for award of the Combat Infantryman Badge:

a. The Soldier must be an infantryman satisfactorily performing infantry duties, he must be assigned to an infantry unit during such time as the unit is engaged in active ground combat, and he must actively participate in such ground combat. Specific requirements state, in effect, that an Army enlisted Soldier must have an infantry or special forces specialty and must have satisfactorily performed duty while assigned or attached as a member of an infantry, ranger, or special forces unit of brigade, regimental, or smaller size during any period such unit was engaged in active ground combat.

b. Appendix V of 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.

c. During the Vietnam Conflict, subsequent to 1 March 1961, any officer, warrant officer, or enlisted Soldier whose branch was other than infantry will be eligible for award of the Combat Infantryman Badge provided all the below listed requirements have been met:

- Assigned as advisor to an Infantry unit, Ranger unit, Infantry-type unit of the civil guard of regimental or smaller size, and/or Infantry-type unit of the self-defense corps unit of regimental or smaller size of the Vietnamese government during any period such unit was engaged in actual ground combat.
- Assigned as advisor of an irregular force comparable to the above Infantry units under similar conditions.
- Personally present and under fire while serving in an assigned primary duty as a member of a tactical advisory team while the unit participated in ground combat.

d. Eligibility for special forces personnel (less the special forces medical sergeant) accrues from 20 December 1989. Retroactive awards for special forces personnel are not authorized prior to 20 December 1989.

3. Army Regulation 600-8-22, paragraph 2-13, contains the regulatory guidance on the Vietnam Service Medal. It states that a bronze service star is authorized with this award for each Republic of Vietnam campaign a member is credited with participating in. A silver service star is authorized in lieu of five bronze service stars. Appendix B shows that during his service in the Republic of Vietnam, the applicant is verified to have participated in the following campaign: Vietnam Counteroffensive, Phase V, 1 July 1968 to 1 November 1968.

4. Army Regulation 672-5-1 (Decorations, Awards and Honors - Military Awards), in effect at the time, states the Air Medal is awarded to any person who, while serving in any capacity in or with the Army of the United States, shall have distinguished himself by meritorious achievement while participating in aerial flight. Awards may be made to recognize single acts of merit or sustained operational activities against an armed enemy, or for heroic acts in, aerial flight. The required achievement, while of lesser degree than that required for the award of the Distinguished Flying Cross, must nevertheless have been accomplished with distinction beyond that normally expected. A maximum of two Air Medal certificates for meritorious achievement will be issued to eligible recipients during a tour of duty in Vietnam, or assignment to same organization having award authority. The first Air Medal certificate will be issued with the initial award. The second certificate will cover subsequent awards of the Air Medal during the member's tour or assignment and will be issued upon individual's termination of tour, death, or reassignment to another organization.

5. Army Regulation 95-1 (Flight Regulation) covers aircraft operations, crew requirements, and flight rules. The regulation specifies that each crew member must present his or her individual flight records to the unit of assignment. The flying experience and qualification data for each rated crew member and flight surgeon in aviation service and each non-rated crew member will be documented on several forms among which are the DA Form 759 and the DA Form 759-1 (Individual Flight Record and Flight Certificate-Army (Aircraft Closeout).

6. The "Mission Data" column on the DA Form 759-1 lists a single character for the mission identification (ID). During the Vietnam War, the following Mission IDs were used:

Mission Symbol	Service Missions
A	Acceptance test Flight
F	Maintenance Flight
S	Service Mission
T	Training Flight
X	Experimental Test Flight
C	Combat Mission

7. USARV Regulation 672-1 (Decorations and Awards) provided guidelines for award of the Air Medal. It stated passenger personnel who did not participate in an air assault were not eligible for the award based upon sustained operations. It defined terms and provided guidelines for the award based upon the number and types of missions or hours. Twenty-five Category I missions (air assault and equally dangerous missions) and accrual of a minimum of 25 hours of flight time while engaged in Category I missions was the standard established for which sustained operations were deemed

worthy of recognition by an award of the Air Medal. However, the regulation was clear that these guidelines were considered only a departure point.

a. Combat missions were divided into three categories. A category I mission was defined as a mission performed in an assault role in which a hostile force was engaged and was characterized by the delivery of ordnance against the hostile force or delivery of friendly troops or supplies into the immediate combat operations area. A category II mission was characterized by support rendered a friendly force immediately before, during, or immediately following a combat operation. A category III mission was characterized by support of friendly forces not connected with an immediate combat operation, but which must have been accomplished at altitudes which made the aircraft at times vulnerable to small arms fire or under hazardous weather or terrain conditions.

b. To be recommended for award of the Air Medal, an individual must have completed a minimum of 25 category I missions, 50 category II missions, or 100 category III missions. Since various types of missions would have been completed in accumulating flight time toward award of an Air Medal for sustained operations, different computations would have had to be made to combine category I, II, and III flight times and adjust it to a common denominator.

8. USARV Regulation 672-1 further provided guidelines for award of the Air Medal for sustained operations. Appendix IV required that recommendations for award of the Air Medal for crewmembers or non-crewmembers on flying status would be submitted on USARV Form 157-R. The recommendation for award must also have stated that the individual "met the required number of missions and hours for award of the Air Medal"; that "the individual has not caused, either directly or indirectly, an aircraft abort, late take-off, accident or incident"; and that the "individual's accomplishments and service throughout the period have reflected meritorious performance, with no instance of non-professionalism, mediocrity, or failure to display an aggressive spirit."

9. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the awards received by units serving in Vietnam. This pamphlet shows that 5th Special Forces Group (Airborne), 1st Special Forces, the unit to which the applicant was assigned, was cited for award of the:

- Meritorious Unit Commendation, 31 Jan - 31 Dec 68, DAGO 70, 1969
- Republic of Vietnam Gallantry Cross with Palm Unit Citation, 1 Oct 64 - 17 May 69, DAGO 59, 1969
- Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation, Jan 68 - 24 Sep 1970, DAGO 48, 1971.

10. Army Regulation 635-5, in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service

or control of the Army. It established standardized policy for the preparation of the DD Form 214. It stated for item 19 (Indochina or Korea Service Since August 5, 1964), for Vietnam service place an "X" in the "yes" block and show specific dates of service.

11. Army Regulation 15-185 prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//