

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 March 2025

DOCKET NUMBER: AR20240006628

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show the following:

- Purple Heart
- Combat Infantryman Badge

APPLICANT'S SUPPORTING DOCUMENT(S) 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 applicant states he was recently diagnosed with prostate cancer and is currently in remission. He has been trying to get his affairs in order. While reviewing a copy of his DD Form 214 he discovered two errors. His decorations section does not indicate award of Purple Heart or Combat Infantryman Badge. He received both of these in recovery at DaNang Field Hospital on or about 20 October 1969. He wore both decorations on his uniform after returning to active duty. He was discharged and returned to civilian life.
3. A review of the applicant's service records show:
 - a. He was inducted in the Army of the United States on 20 March 1969 and was awarded military occupational specialty (MOS) 17K (Radar Crewman).
 - b. His DA Form 20 (Enlisted Qualification Record) shows in:
 - (1) Item 31 (Foreign Service) – service in Vietnam from 13 September 1969 to 4 November 1969; he was assigned to Company C, 4th Battalion, 31st Infantry, 196th Infantry Brigade, Vietnam from 26 September to 17 October 1969.

(2) Item 41 (Awards, Decorations and Campaigns) – National Defense Service Medal, Vietnam Service Medal, Republic of Vietnam Campaign Medal with Device (1960), Army Good Conduct Medal, and the Sharpshooter Marksmanship Qualification Badge with Rifle Bar.

c. He was honorably released from active duty on 19 March 1971. His DD Form 214 shows he completed 2 years of active service. It also shows he was awarded or authorized:

- National Defense Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Vietnam Service Medal
- Army Good Conduct Medal
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)

4. General Orders Number 257, issued by Headquarters, 95th Evacuation Hospital shows the applicant was awarded the Purple Heart, for date of action on 8 October 1969, for wounds received in action.

5. There are no Special Orders in his service record that show he was awarded the Combat Infantryman Badge.

6. A review of the applicant's record confirms he is eligible for an award 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.

7. By regulation (AR 672-5-1), an individual must be an infantry officer in the grade of colonel or below, or an enlisted man or a warrant officer with infantry MOS, who, subsequent to 6 December 1941, has satisfactorily performed duty while assigned or attached as a member of an infantry unit of brigade, regimental, or smaller size during any period such unit was engaged in active ground combat.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was 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 petition and available military records, the Board noted the applicant's assertions that both decorations were received during recovery at DaNang Field Hospital in October 1969 and worn on his uniform upon return

to duty. Evidence shows the applicant was inducted into the Army on 20 March 1969 and served in Vietnam from 13 September to 4 November 1969, assigned to Company C, 4th Battalion, 31st Infantry, 196th Infantry Brigade. His DA Form 20 and DD Form 214 reflect multiple authorized awards but do not include the Purple Heart or Combat Infantryman Badge.

2. General Orders Number 257, issued by Headquarters, 95th Evacuation Hospital, confirm the applicant was awarded the Purple Heart for wounds sustained in combat on 8 October 1969. Based on this official documentation, the Board found sufficient evidence to correct the applicant's DD Form 214 to reflect award of the Purple Heart. However, the Board found no Special Orders or other substantiating documentation in the record to support award of the Combat Infantryman Badge. While the applicant was assigned to an infantry unit in Vietnam, his primary military occupational specialty (MOS) was 17K (Radar Crewman), which is not an infantry MOS. In accordance with Army Regulation 672-5-1, eligibility for the Combat Infantryman Badge requires assignment to an infantry MOS and satisfactory performance in active ground combat while assigned to an infantry unit. Without documentation confirming both criteria, the Board cannot authorize correction of the DD Form 214 to include the Combat Infantryman Badge. Therefore, the Board granted partial relief to correction to the applicant's DD Form 214 to award the Purple Heart.

3. 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
XXX	XXX	XXX	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the administrative notes annotated by the Analyst of Record (below the signature), the Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214 for the period ending a18 September 1970 to show award of the Purple Heart.

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 award of the Combat Infantryman Badge.

X //SIGNED//

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 awards not reflected on his DD Form 214 for the service period ending 18 September 1970. As a result, amend his DD Form 214 to show:

- Army Commendation Medal (2nd Award)
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- two bronze service stars to 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 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. Army Regulation 672-5-1 (Awards), in effect at the time, states the purpose of the awards program is to provide tangible evidence of public recognition for acts of valor and for exceptional service or achievement. Paragraph 96 (Combat Infantryman Badge) an individual must be an infantry officer in the grade of colonel or below, or an enlisted man or a warrant officer with infantry MOS, who, subsequent to 6 December 1941, has satisfactorily performed duty while assigned or attached as a member of an infantry unit of brigade, regimental, or smaller size during any period such unit was engaged in active ground combat. Battle participation credit alone is not sufficient; the unit must have been in active ground combat with the enemy during the period.

4. Army Regulation 600-8-22 (Military Awards) provides Army policy, criteria, and administrative instructions concerning individual military decorations.

a. 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.

b. A bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign.

5. 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 Order (DAGO) Number 6, dated 1974, awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation to 4th Battalion, 31st Infantry, 196th Infantry Brigade for service in the Republic of Vietnam from 24 August to 31 December 1969.

//NOTHING FOLLOWS//