

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 March 2025

DOCKET NUMBER: AR20240007670

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the service period ending 26 November 1971 to show award of the Combat Infantryman Badge.

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

- DD Form 149 (Application for Correction of Military Record)
- General Orders #5720, 28 March 1971
- Army Commendation (ARCOM) Certificate with "V" Device
- Bronze Star Medal Certificate
- DD Form 214

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 Infantryman Badge because he served in the Company A, 1st Battalion, 46th Infantry, 23d Infantry Division on numerous combat operations in Vietnam. He was also awarded the Army Commendation Medal (ARCOM) with the V device for combat operations.
3. The applicant provides:
 - a. A copy of his ARCOM Citation, with additional details of his outstanding meritorious service in connection with military operations against a hostile force in the Republic of Vietnam from August 1970 to August 1971.
 - b. A copy of his ARCOM Certificate dated 28 March 1971, for his meritorious achievement in ground operations against hostile forces.

c. General Order Number 5720 dated 28 March 1971, announced award of the Army Commendation Medal with "V" Device for heroism in connection with ground operations against a hostile force in the Republic of Vietnam on 28 March 1971.

4. A review of the applicant's service record shows:

a. He was inducted into the Army of the United States on 26 March 1970.

b. His DA Form 20 (Enlisted Qualification Record) shows:

- Indirect Fire Infantryman (11C) military occupational specialty (MOS)
- Excellent conduct and efficiency ratings throughout his service
- service in Vietnam from 19 August 1970 through 18 August 1971
- assigned to Company A, 1st Battalion, 46th Infantry, 23d Infantry Division

c. He was honorably discharged from active duty on 26 November 1971. His DD Form 214 shows he completed 1 years 8 months, and 1 days of active service. It also shows he was awarded on authorized:

- National Defense Service Medal
- Vietnam Service Medal with one bronze service star
- Republic of Vietnam Campaign Medal
- Army Commendation Medal with one Oak Leaf Cluster
- Bronze Star Medal
- Expert Marksmanship Qualification Badge with Pistol Bar
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- Sharpshooter Marksmanship Qualification Badge with Hand Grenade

d. The available service record is void of orders for award of the CIB.

5. A review of the applicant's record confirms he is eligible for awards 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 warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The applicant served honorably in the Army of the United States from 26 March 1970 to 26 November 1971, including combat service in Vietnam from 19 August 1970 to 18 August 1971. His DA Form 20 confirms his military occupational specialty (MOS) as Indirect Fire Infantryman (11C) and assignment to Company A, 1st Battalion, 46th Infantry, 23d Infantry Division, an infantry unit of appropriate size for CIB eligibility. The applicant's record includes General Orders Number 5720, dated 28 March 1971, awarding him the Army Commendation Medal with "V" Device for heroism in ground combat operations, further substantiating his participation in active ground combat. In accordance with Army Regulation 600-8-22, the Combat Infantryman Badge is awarded to enlisted Soldiers with an infantry MOS who actively engage in ground combat while assigned to qualifying infantry units. The applicant meets all regulatory criteria for the award. Although the original service record is void of specific orders for the CIB, the combination of his MOS, unit assignment, combat service in Vietnam, and award of the ARCOM with "V" Device provides sufficient evidence to support entitlement.
2. The Board further determined the applicant, based on the foregoing information, be awarded the Army Good Conduct Medal (First Award) for the qualifying period 26 March 1970 to 26 November 1971.
3. Prior to closing the discussion, the Board reviewed and concurred with the administrative notes below.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:XX	:XX	:XX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant partial 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 Army Good Conduct Medal (First Award) for the qualifying period 26 March 1970 to 26 November 1971
- amending the applicant's DD Form 214, for the period ending 26 November 1971 to show award of the Combat Infantryman Badge and Army Good Conduct Medal



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 service records show he is authorized additional award not annotated on his DD Form 214. As a result, amend his DD Form 214 for the service period ending 26 November 1971 to add the following:

- Air Medal
- Republic of Vietnam Gallantry Cross Unit Citation with Palm

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 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. 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 the immediate commander made a positive recommendation for its award and until the awarding authority announced the award in general orders.

//NOTHING FOLLOWS//