

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 March 2025

DOCKET NUMBER: AR20240007982

APPLICANT REQUESTS: reconsideration of his previous request for correction of his DD Form 214 (Armed Forces of the United States Report of Transfer of Discharge) to show:

- his rank/grade as private first class (PFC)/E-3 instead of private (PV2)/E-2
- award of the Air Medal
- award of the Combat Infantryman Badge

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- 1st Cavalry Division Vietnam Combat Certificate covering the period September 1968 to April 1969
- DA Form 20 (Enlisted Qualification Record), 9 August 1971 (page 4 only)
- Standard Form 93 (Report of Medical History), 18 December 1971 (page one only)
- Standard Form 88 (Report of Medical Examination), 18 December 1971 (page one only)
- DA Form 3082-R (Statement of Medical Condition), 22 December 1971
- DD Form 214
- DA Form 1577 (Authorization for Issuance of Awards), 25 February 1997
- DA Form 1577, 20 May 1999
- Department of Veterans Affairs (VA) Summary of Benefits Letter, 8 December 2023

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20110024193 on 8 March 2012.

2. The applicant states he believes at the time of his discharge his records were incomplete and there were clerical error as to why information is missing from his DD Form 214.

3. He enlisted in the Regular Army on 5 May 1967. After the completion of initial entry training, he was awarded military occupational specialty (MOS) 11B (Light Weapons Infantryman). He was promoted to the rank/grade of sergeant/E-5 effective 20 November 1968.

4. His DA Forms 20, 3 June 1969 and 9 August 1971, show in:

a. item 31 (Foreign Service), he received overseas credit for service in the Republic of Vietnam from 18 May 1968 through 19 May 1969 (a period of 1 year and 2 days);

b. item 38 (Record of Assignments), he was assigned to the following units during his service in the Republic of Vietnam:

- 194th Military Police Company, U.S. Army Pacific – Vietnam from on or about 23 April 1968 to on or about 2 October 1968
- Company B, 1st Battalion, 5th Cavalry Regiment, 1st Cavalry Division from on or about 2 October 1968 to on or about 14 April 1969

c. item 41 (Awards and Decorations) shows award of the Air Medal and Combat Infantryman Badge with the authority for these awards shown as "pending orders."

5. While assigned to the Headquarters and Headquarters Company, 3d Battalion, 10th Brigade, 5th Infantry Division, Fort Carson, CO, he went absent without leave (AWOL) on 17 July 1969. He was dropped from the Army rolls as a deserter on 18 August 1969. He returned to military control on 26 February 1971. He was placed in pre-trial confinement from 4 March 1971.

6. Special Court-Martial Order Number 132, issued by Headquarters, U.S. Army Training Center, Infantry and Fort Dix, NJ on 21 May 1971, shows he plead guilty and was found guilty of violating Article 86 of the Uniform Code of Military Justice; specifically, in that he did, on or about 17 July 1969 go AWOL and did remain so until on or about 26 February 1971 (a period of 510 days). He was sentenced to reduction to the grade of private/E-1 and confinement at hard labor for 5 months. The sentence was adjudged on 16 April 1971. The sentence was approved and ordered to be duly executed on 21 May 1971.

7. He was promoted to PV2/E-2 effective 28 July 1971.

8. The applicant was honorably released from active duty and transferred to the U.S. Army Reserve Control Group (Reinforcement) on 23 December 1971. His DD Form 214 shows he completed 2 years, 7 months, and 16 days of total active service. If further shows in:

- items 5a (Grade, Rate or Rank) and 5b (Pay Grade) "PVT" and "E-2," respectively
- item 6 (Date of Rank) – 28 July 1971
- item 22c (Foreign and/or Sea Service) – Vietnam - 1 year and 2 days
- item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) -
 - Bronze Star Medal
 - National Defense Service Medal
 - Vietnam Service Medal
 - Vietnam Campaign Medal (formally known as the Republic of Vietnam Campaign Medal with Device (1960))
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
 - two Overseas Service Bars

9. His military records are void of orders awarding him the Air Medal and the Combat Infantryman Badge.

10. A review of his military records failed to show he was promoted again to the rank/grade of PFC/E-3 during his military service.

11. On an unspecified date, he requested to receive orders regarding the Air Medal and Combat Infantryman Badge for his service in Vietnam from the U.S. Army Human Resources Command (HRC). On 9 November 2011, HRC informed him they were unable to locate orders; however, they were able to verify his entitlement to other awards not listed on his DD Form 214. On 9 November 2011, they issued him a DD Form 215 showing those entitled awards (see attachment).

12. He provides evidence not already discussed above:

a. a Vietnam Combat Certificate issued by the 1st Cavalry Division as evidence he served in the Republic of Vietnam from September 1968 to April 1969;

b. three medical documents pertaining to his separation physical examination;

c. a DA Form 1577 from the U.S. Army Reserve Personnel Center, St. Louis, MO, 25 February 1997, showing he was awarded the Combat Infantryman Badge;

d. a DA Form 1577 from the National Personal Records Center, St. Louis, MO, 20 May 1999, showing he was awarded the Air Medal; and

e. a VA Summary of Benefits letter, 8 December 2023, that shows his entitled benefits and that he has a 70 percent service-connected disability rating.

13. On 8 March 2012 in Docket Number AR20110024193, the ABCMR denied his request. The Board found there was insufficient evidence of an error or injustice which would warrant relief.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, 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 review based on law, policy, and regulation.

a. Rank as PFC/E-3 via PV2/E-2. Deny. The Board found insufficient evidence to support the applicant was promoted beyond the rank of PV2/E-2 after his reduction from SGT/E-5 to PVT/E-1 and subsequent promotion to PV2/E-2 on 28 July 1971.

b. Award of the Air Medal. Grant. The Board majority found sufficient evidence to support the applicant should be awarded the Air Medal, specifically, the "pending orders" shown for the award of the Air Medal on his DA Form 20. The Board minority found insufficient evidence, including orders, to support granting relief.

c. Award of the Combat Infantryman Badge. Grant. The Board majority found sufficient evidence to support the applicant should be awarded the Combat Infantryman Badge, specifically, the "pending orders" shown for the award of the Combat Infantryman Badge on his DA Form 20. The Board minority found insufficient evidence, including orders, to support granting relief.

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

1. 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 Air Medal
- awarding the applicant the Combat Infantryman Badge
- adding the Air Medal and Combat Infantryman Badge to the applicant's DD Form 214, for the period ending 23 December 1971

2. The Board further determined that 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 amending the applicant's rank to PFC/E-3



X //SIGNED//

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.

REFERENCES:

1. Army Regulation 600-8-22 (Military Awards) prescribes policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The Air Medal is awarded in time of war for heroism and for meritorious achievement or service while participating in aerial flight. This award is primarily intended for personnel on flying status but may also be awarded to those personnel whose combat duties require them to fly; for example, personnel in the attack elements of units involved in air-land assaults against an armed enemy. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

b. The Combat Infantryman Badge is awarded to infantry or special forces officers and enlisted and warrant officer persons who have an infantry or special forces MOS. They must have served in active ground combat while assigned or attached to an infantry, ranger, or special forces unit of brigade, regimental, or smaller size. Specifically, a recipient must be personally present and under hostile fire while serving in an assigned infantry or special forces primary duty in a unit actively engaged in ground combat with the enemy. Battle or campaign participation credit alone is not sufficient; the unit must have been in active ground combat with the enemy during the period. Personnel with other than an infantry or special forces MOS are not eligible, regardless of the circumstances. A Soldier must meet the following three requirements for award of the CIB:

(1) be an infantryman satisfactorily performing infantry duties,

(2) be assigned to an infantry unit during such time as the unit is engaged in active ground combat, and

(3) actively participate in such ground combat.

2. U.S. Army Vietnam Regulation 672-1 (Decorations and Awards), appendix V, provided 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 600-200 (Enlisted Personnel Management System) prescribes policies, responsibilities, and procedures pertaining to career management of Army enlisted personnel. It states promotion of enlisted personnel to grades E-3 through E-9, appointments, grade reductions, and grade restorations will be announced in routine orders.

4. Army Regulation 635-5 (Separation Documents) established standardized policy for preparing and distributing the DD Form 214. The DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active duty service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form is complete and accurate and reflects the conditions as they existed at the time of separation. The specific instructions stated for:

- a. item 5a, enter the grade in which serving at time of separation, indicating whether permanent or temporary; e.g., "MSG (P)" or "MSG (T)";
- b. item 5b, enter the pay grade; e.g., "E-8" or "E-4"; and
- c. item 6, enter the date of rank for the grade shown in item 5a.

//NOTHING FOLLOWS//