

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 February 2025

DOCKET NUMBER: AR20240008051

APPLICANT REQUESTS:

- award of the Combat Infantryman Badge and correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show it
- award of any Republic of Vietnam medals he is authorized

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

- DD Form 149 (Application for Correction of Military Record), 30 April 2024
- Self-Authored Statement, 22 April 2024
- DA Form 1059 (Academic Report), 2 February 1967
- DA Forms 67 (Officer Efficiency Report), 3 February 1967 to 2 February 1968; 3 February 1968 to 2 June 1968
- DD Form 214, 14 August 1968
- DD Form 215 (Correction to DD Form 214), 10 October 1969
- DA Form 67, 25 September 1969 to 28 May 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:

a. During the period while he was assigned to the 51st Civil Affairs Platoon, he served in a support role to the Americal Division. This included accompanying infantry units on operations when it was necessary to interrogate and control Vietnamese civilians and coordinating extraction of rice to feed the friendly hamlets and villages. In addition to these combat operations, his unit helped build schools, provided medical help, and interfaced with the military and civilian population.

b. The 51st Civil Affairs Platoon area of operation was mainly in the Que Son Valley, 30 miles south of Danang. He was personally involved in operations outside of this area. The 51st Civil Affairs Platoon was assigned to the 29th Civil Affairs Company in Danang.

c. During the last 5 months of his tour, he served as commander of the unit. He injured his back while serving with the 1st Cavalry Division, jumping from helicopters. He traveled to another compound in a province involving Air America. The compound was under the command of a Marine Corps colonel who was not cooperative in helping him accomplish his mission of procuring schoolbooks his unit had just completed. The colonel sent him back on an Air America Huey Helicopter and when they landed a sniper opened up on the helicopter. He was thrown out of the helicopter and this added to his back problems.

3. The applicant provides copies of:

a. A DA Form 1059, dated 2 February 1967, reflecting he completed the Infantry Officer Basic Course from 14 November 1966 to 2 February 1967.

b. DA Forms 67, reflecting officer evaluations and the duties he performed.

c. A DD Form 214 and DD form 215, reflecting his DD Form 214 was amended to show award of the Bronze Star Medal.

4. The applicant's records contain sufficient evidence to support additional awards and administrative correction of his DD Form 214 and will be listed in the administrative notes section.

5. A review of the applicant's service records reflect:

a. On 5 June 1965, he executed an oath of office and he was appointed as a second lieutenant in the Infantry Corps of the Army of the United States.

b. U.S. Army Administration Center Letter Orders A-10-2703, 7 October 1966, ordered him to active duty and to report not later than 14 November 1966.

c. His DA Form 66 (Officer Qualification Record) reflects:

(1) In Item 9 (Military Occupational Specialties (MOS)), he was awarded:

- 1542 (Infantry Unit Commander), on 13 November 1966
- 8104 (Civil Government Officer), on 29 September 1967, authorized by Headquarters (HQ), 95th Civil Affairs Group

(2) Item 17 (Foreign Service) – Vietnam 3 October 1967 to 10 August 1968.

(3) Item 18 (Record of Assignments):

- on 29 May 1967, his unit, 51st Civil Affairs Platoon, Fort Gordon, assigned him to duty in MOS 8104 (Administrative Officer)
- his unit, 51st Civil Affairs Platoon, changed stations and deployed to Vietnam on 2 October 1967 and his duties performed were in MOS 8104
- on 28 October 1967, he was assigned as the platoon administrative officer, 51st Civil Affairs Detachment with duty at the 29th Civil Affairs Company, Vietnam
- on 8 August 1968, he was enroute to the Continental United States

(4) Item 21 (Awards and Decorations):

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with device (1960)
- (1) Overseas Bar

d. On 10 August 1968, HQ, U.S. Army Personnel Center released him from active duty and reassigned him to the USAR Control Group (Annual Training), effective 14 August 1968.

e. On 14 August 1968, he was honorably released from active duty. His DD Form 214 shows:

(1) His specialty number and title: 1542, Infantry Unit Commander.

(2) He was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with device (1960)

f. On 14 August 1969, he was issued a DD Form 215, adding to his DD Form 214 the Bronze Star Medal for meritorious service.

g. On 21 November 1973, he was reassigned to the USAR Control Group (Reinforcement).

6. His records are void of orders awarding him the Combat Infantryman Badge.

7. By regulation (AR 672-5-1), the three requirements for award of the Combat Infantryman Badge, the Soldier must:

- be an infantryman satisfactorily performing infantry duties
- be assigned to an infantry unit during such time as the unit is engaged in active ground combat
- actively participate in such ground combat

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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 found insufficient evidence to support award of the combat infantryman badge. The Board noted the applicant was commissioned as a second lieutenant in the Infantry Corps and initially awarded MOS 1542 (Infantry Unit Commander), the record clearly reflects that his duties during his Vietnam service were performed under MOS 8104 (Civil Government Officer) within civil affairs units, specifically the 51st Civil Affairs Platoon and the 29th Civil Affairs Company. His assignments were administrative in nature and not within an infantry unit engaged in active ground combat.

2. The Board acknowledged, by regulation (AR 672-5-1), award of the CIB requires that a Soldier be an infantryman satisfactorily performing infantry duties, be assigned to an infantry unit during active ground combat and actively participate in such combat. The applicant's record does not satisfy these criteria. The Board found no evidence of assignment to an infantry unit in combat, nor documentation of personal participation in ground combat operations. Furthermore, his personnel file is void of any orders awarding the CIB. The Board acknowledged the applicant's honorable service and meritorious recognition through the Bronze Star Medal, it finds no basis to determined that the regulatory requirements for the CIB were met. As such, relief is denied.

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:

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

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, the Board found the evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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 shows the Board should amend his DD Form 214 in:

1. In item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) to show:
 - four bronze service stars to his previously issued Vietnam Service Medal
 - Valorous Unit Award
 - Republic of Vietnam Gallantry Cross with Palm Unit Citation
 - Expert Marksmanship Qualification Badge with Rifle Badge (M-14)

- Sharpshooter Marksmanship Qualification Badge with Rifle Badge (M-16)
2. In item 30 (Remarks): "Service in Vietnam 3 October 1967 to 10 August 1968"

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 672-5-1 (Military Awards), in effect at the time,
 - a. 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 participating credit alone is not sufficient; the unit must have been in active ground combat with the enemy during the period. Awards may be made to assigned members of ranger infantry companies assigned or attached to tactical infantry organizations. They may also be made to members of the US Army who are colonels or below and were assigned under appropriate orders for service in Republic of Vietnam, Laos, and Dominican Republic during the dates specified.
 - b. Awards will not be made to general officers nor to members of headquarters companies of units larger in size than brigades.
 - c. Any officer whose basic branch is other than infantry who, under appropriate orders, has commanded an infantry unit of brigade, regimental, or smaller size for at least 30 consecutive days is deemed to have been detailed in infantry and is eligible for the award of the Combat Infantryman Badge notwithstanding absence of a written directive detailing him in the infantry, provided all other requirements for such award have been met. Orders directing the individual to assume command will be confirmed in writing at the earliest practicable date. In addition, any officer, warrant officer, or enlisted man whose branch is other than infantry, who under appropriate orders, was assigned to advise a unit listed.
 - d. Republic of Vietnam subsequent to 1 March 1961. Must have been 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.

e. Must have been assigned as advisor of an irregular force comparable to the above infantry units under similar conditions.

f. The recipient must have been 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.

3. Army Regulation USARV 672-1 (Decorations and Awards), Appendix V, provides philosophy and policy concerning award of the Combat Infantryman Badge.

a. The criteria contained in paragraph 96, Army Regulation 672-5-1 are based on the principle that the infantry MOS identified the Soldier who is trained, lives, and fights as an infantryman. The Combat Infantryman Badge is the unique award which was established to recognize the infantryman and only the infantryman, for his service.

b. Officers, basic branch other than infantry, who have been detailed infantry under the provisions of Army Regulation 614-10, are considered infantry officers for the purpose of determining eligibility for award of the Combat Infantryman Badge.

c. Award of the Combat Infantryman Badge is:

(1) Awarded to infantry MOS 1542, 1543, 1560, or 2162.

(2) awarded to officers satisfactorily performing duty while assigned or attached as a member of an infantry unit, brigade, regimental or smaller size during any period such unit was engaged in military operations against a hostile foreign force.

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

a. 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 military occupational specialties. 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. The unit in question must be a brigade, regiment, or smaller size.

5. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register (January 1960 – February 1986)), in effect at the time, shows:

a. His unit, 51st Civil Affairs Platoon was awarded the Valorous Unit Award by Department of the Army General Orders (DAGO) Number 39, 1970, for the period 1 October 1967 to 31 October 1967.

b. He participated in four campaigns:

- Vietnam Counteroffensive, Phase III, 1 June 1967 – 29 January 1968
- TET Counteroffensive, 30 January 1968 – 1 April 1968
- Vietnam Counteroffensive, Phase IV, 2 April 1968 – 30 June 1968
- Vietnam Counteroffensive, Phase V, 1 July 1968 – 1 November 1968

//NOTHING FOLLOWS//