

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 February 2025

DOCKET NUMBER: AR20240008160

APPLICANT REQUESTS, in effect, award of the:

- Bronze Star Medal (5th Award), three with V Device
- Combat Infantryman Badge (2nd Award)
- Expert Marksmanship Qualification Badge with Machine Gun Bar (M-60)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
- All expert or jungle qualification badges he may be authorized
- A personal appearance before the Board

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

- DD Form 149, Application for Correction of Military Record
- DD Form 214, Certificate of Release or Discharge from Active Duty
- Interdisciplinary Cognitive Assessment Clinic Summary Sheet

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. He states his request is related to post-traumatic stress disorder and traumatic brain injury. He contends that there are questions with his Department of Veterans Affairs (VA) and county records. He was exposed to Agent Orange during his foreign service in the Republic of Vietnam (RVN) while assigned to the 25th Infantry Division. He further indicates he is registered under the Promise to Address Comprehensive Toxics ACT.
3. The applicant enlisted in the Regular Army on 10 September 1968 and was awarded military occupational specialty 11B (Light Weapons Infantryman). The highest grade held was private first class/E-3.

4. He served in the Republic of Vietnam from 8 April 1969 to 11 December 1970; during which time he was assigned to the following units:

- Company D, 2ND Battalion, 14th Infantry Regiment, 25th Infantry Division from 27 March 1969 to 3 September 1969
- Headquarters and Headquarters Company, 65th Engineer Battalion, 25th Infantry Division from 4 September 1969 to 5 January 1970

5. On 28 August 1969, the applicant was discharged for the purpose of immediate reenlistment. His DD Form 214 shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Combat Infantryman Badge

6. Item 41, Awards and Decorations, of his DA Form 20, Personnel Qualification Record, shows he was awarded the:

- National Defense Service Medal
- Vietnam Service Medal
- Combat Infantryman Badge
- Army Commendation Medal with "V" Device
- Sharpshooter Marksmanship Qualification Badge

7. On 18 August 1971, the applicant was discharged in accordance with Army Regulation 635-212, Personnel Separations-Discharge-Unfitness and Unsuitability. His service was characterized as under honorable conditions. His DD Form 214 shows he was awarded the:

- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Vietnam Service Medal with bronze service star

8. His record is void of orders awarding him the Bronze Star Medal. The record is also void of orders showing the applicant was awarded an expert marksmanship qualification badge for the M-60 Machine Gun.

9. The applicant provides his Interdisciplinary Cognitive Assessment Clinic Feedback Summary Sheet, 13 February 2023, which shows he was diagnosed with mild neurocognitive disorder (mild cognitive impairment) caused by a TBI.

10. By regulation –

a. The Bronze Star Medal is awarded in time of war for heroism and for meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy, or while engaged in military operations involving conflict with an opposing armed force in which the United States is not a belligerent party. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

b. Second and third awards of the Combat Infantryman Badge are indicated by superimposing one and two stars respectively, centered at the top of the badge between the points of the oak wreath. The regulation in effect at the time made no provisions for the award of jungle qualification badges or tabs.

c. The ABCMR will decide cases on the evidence of record. It is not an investigative body. 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.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation in the record, the Board made the following findings and recommendations related to the requested relief:

- Bronze Star Medal (5th Award), three with V Device: DENY, based upon the information reflected on the applicant's DA Form 20 and the lack of documentation showing the applicant was awarded a BSM and/or BSM w/ V device
- Combat Infantryman Badge (2nd Award): DENY, based upon the information reflected on the applicant's DA Form 20 and the lack of documentation showing the applicant was awarded a second CIB
- Expert Marksmanship Qualification Badge with Machine Gun Bar (M-60): DENY, based upon the information reflected on the applicant's DA Form 20 and the lack of documentation showing the application qualified Expert w/the M60
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14): DENY, based upon the award already appearing in Box 24 of the applicant's DD Form 214, for the period ending 18 August 1971

- All expert or jungle qualification badges he may be authorized: DENY, based upon the information reflected on the applicant's DA Form 20 and the lack of information showing he qualified for any such awards

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:

1. 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.
2. Prior to closing the case, the Board noted the administrative notes below from the analyst of record and recommended those changes be completed to more accurately reflect the military service of the applicant.

//SIGNED//
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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):

1. A review of the applicant's record show he is authorized additional awards. Correct his DD Form 214, ending 18 August 1971 to add the following:

- Combat Infantryman Badge
- Army Commendation Medal with V Device
- Vietnam Service Medal with silver service star
- National Defense Service Medal
- RVN Campaign Medal with Device (1960)
- RVN Gallantry Cross with Palm Unit Citation (2nd Award)
- RVN Civil Actions Honor Medal First Class Unit Citation (2nd Award)

2. The following documents are sufficient to correct the record without action by the Board.

- DA Form 20
- Special Orders 142, 22 May 1969 (CIB)
- General Orders 10850, 28 August 1969 (ARCOM w "V" Device)
- DD Form 214, 28 August 1969
- DD Form 20, 18 August 1971
- DA PAM 672-3

3. Issue a DD Form 215 to the applicant with the awards listed in paragraph 1 above.

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 (AR) 600-8-22, Military Awards states:

a. The Bronze Star Medal is awarded in time of war for heroism and for meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy, or while engaged in military operations involving conflict with an opposing armed force in which the United States is not a belligerent party. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

b. The Combat Infantryman Badge (CIB) is authorized for award for the following qualifying wars, conflicts, and operations. Second and third awards of the CIB are indicated by superimposing one and two stars respectively, centered at the top of the badge between the points of the oak wreath.

c. The Republic of Vietnam Campaign Medal with Device (1960) is awarded by the government of the Republic of Vietnam to Servicemembers of the U.S. Armed Forces and authorized by DoDM 1348.33, Volume 3 during the period 1 March 1961 to 28 March 1973. To qualify for award personnel must meet one of the following requirements:

(1) Have served in the Republic of Vietnam for 6 months during period specified.

(2) Have served outside the geographical limits of the Republic of Vietnam and contributed direct combat support to the Republic of Vietnam and Armed Forces for 6 months. Individuals must meet the criteria established for the Armed Forces Expeditionary Medal (Vietnam) or the Vietnam Service Medal during the period of service required to qualify for the Republic of Vietnam Campaign Medal.

(3) Have served for less than 6 months and have been:

- wounded by hostile forces
- captured by hostile forces, but late escaped, was rescued, or released
- Killed in action or otherwise in line of duty

d. The bronze service star is authorized for wear on the Vietnam Service Medal for each approved campaign. A Silver Service Star is worn instead of five bronze service stars. Appendix B lists the Vietnam Campaigns which coincide with the applicant's foreign service:

- Tet 69/Counteroffensive, 23 February - 8 June 1969
- Vietnam Summer - Fall 1969, 9 June - 31 October 1969
- Vietnam Winter - Spring 1970, 1 November 1969 - 30 April 1970
- Sanctuary Counteroffensive, 1 May - 30 June 1970
- Vietnam Counteroffensive Phase VII, 1 July 1970 - 30 June 1971

3. Army Regulation 672-5-1, Award, and Honors, Military Awards, in effect at the time stated Marksmanship badges and tabs were awarded to indicate the degree in which an individual has qualified in prescribed weapons firing courses or events. The regulation does not have a provision to award Jungle qualification badges or tabs.

4. Department of the Army Pamphlet 672-3, Decorations, Awards, and Honors-Unit Citation and Campaign Participation Credit Register shows that while assigned to the:

a. 2nd Battalion, 14th Infantry his unit was awarded RVN Gallantry Cross with Palm Unit Citation for the period 1 September 1968-30 September 1970 in Department of the Army General Orders (DAGO) Number 5, 1973; and the RVN Civil Actions Honor Medal First Class for the period 20 April 1966-21 January 1970, in DAGO Number 51, 1971.

b. Headquarters Battery, 65th Engineer Battalion his unit was awarded RVN Gallantry Cross with Palm Unit Citation for the period 1 September 1968-30 September 1970 in DAGO Number 5, 1973; and the RVN Civil Actions Honor Medal First Class for the period 13 March 1966-21 January 1970 in DAGO Number 51, 1971.

5. AR 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 will decide cases on the evidence of record. It is not an investigative body. 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. Additionally, applicants may be represented by counsel at their own expense.

//NOTHING FOLLOWS//