

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 April 2025

DOCKET NUMBER: AR20240010344

APPLICANT REQUESTS: in effect, correct his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show his already awarded Bronze Star Medal and Combat Infantryman Badge.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Bronze Star Medal Citation
- General Orders

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, in effect:

- He served in the Army, from 1968 to 1970, and was in Vietnam, from November 1968 to November 1969
- While assigned to Fort Carson, CO, he received a letter notifying him he had been awarded the Bronze Star Medal; it was never added to his DD Form 214
- Additionally, of the 12 months he spent in Vietnam, 10 months were served in the field; he earned the Combat Infantryman Badge, but the clerks failed to reflect this award when he left Vietnam

3. The applicant's requested relief for add his Bronze Star Medal to his DD Form 214 is supported by sufficient evidence; as a result, this portion of the requested relief will be addressed in the "ADMINISTRATIVE NOTE(S)" section and will not be further considered by the Board.

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

- On 13 June 1968, the Army of the United States (AUS) inducted the applicant for a 2-year term of active duty
- Upon completion of initial entry training and the award of military occupational specialty 11B (Light Weapons Infantryman), orders assigned him to an infantry battalion in Vietnam; he arrived at his new unit, on 25 November 1968
- On 10 November 1969, he completed his tour in Vietnam, and orders reassigned him to an infantry battalion at Fort Carson, CO; he arrived, on or about 3 December 1969
- On 12 June 1970, the Army honorably released the applicant from active duty and transferred him to the U.S. Army Reserve
- The applicant's DD Form 214 shows he completed 2 years of net active duty service and was awarded the National Defense Service Medal, Vietnam Service Medal with two bronze service stars, and the Republic of Vietnam Campaign Medal with Device (1960)
- The applicant's DA Form 20 (Enlisted Qualification Record) does not list the Combat Infantryman Badge; his available service record is void of orders awarding the Combat Infantryman Badge

#### BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, 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.

a. Bronze Star Medal. Grant. The evidence of record support that applicant being awarded the Bronze Star Medal by General Orders Number 10299 as identified in the administrative correction section below.

b. Combat Infantryman Badge. Grant. 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 and documents submitted in support of the petition. The evidence of record shows the applicant held Military Occupational Specialty (MOS) 11B (Light weapons Infantryman) while serving in Vietnam. The applicant served in Vietnam from 11 November 1968 to 10 November 1969. The Board determined he met the criteria for award of the Combat Infantryman Badge since he served in an infantry MOS.

2. Prior to closing the discussion, the Board reviewed and concurred with the administrative note below.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3



GRANT FULL RELIEF

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GRANT PARTIAL RELIEF

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GRANT FORMAL HEARING

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:

DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant 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 12 June 1970 to show award of the Bronze Star Medal and Combat Infantryman Badge.

4/16/2025

X

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):

Amend the applicant's DD Form 214, ending 12 June 1970, by adding the Republic of Vietnam Gallantry Cross with Palm to item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized).

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), currently in effect, provides guidance for military awards. Regarding the award of the Combat Infantryman Badge, the regulation states the Soldier must meet three requirements:

- The Soldier must be an infantry Soldier (i.e., holds an 11-series MOS, in the grade of colonel or below), and must be satisfactorily performing infantry duties
- The Soldier must be assigned to an infantry unit, brigade-sized or smaller, that is engaged in active ground combat
- The Soldier must have actively participated in such ground combat; campaign credits alone are insufficient to warrant this award

3. U.S. Army, Vietnam (USARV) Regulation 672-1 (Decorations and Awards), in effect at the time, included additional guidance on the award of the Combat Infantryman Badge.

a. The regulatory criteria for the Combat Infantryman Badge was based on the principle that the infantry military occupational specialty (MOS)/specialty identified a man who was trained, lived, and fought as an infantryman.

b. The regulation added that the "Combat Infantryman Badge was not an award for being shot at or for undergoing the hazards of day to day combat. Other awards and decorations are designed to accommodate these situations."

c. The regulation stated Special Orders were to be used to announce the award of the Combat Infantryman Badge.

4. AR 15-185 (Army Board for Correction of Military Records (ABCMR)), currently in effect, states:

a. Paragraph 2-2 (ABCMR Functions). The ABCMR decides cases on the evidence of record; it is not an investigative body.

b Paragraph 2-9 (Burden of Proof) states:

(1) The ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).

(2) The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

//NOTHING FOLLOWS//