

IN THE CASE OF: ██████████

BOARD DATE: 16 November 2023

DOCKET NUMBER: AR20230002635

APPLICANT REQUESTS: award of the Combat Infantryman Badge.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4187 (Personnel Action), 21 April 2022
- Military Personnel (MILPER) Message Number 08-190, 22 July 2008
- Officer Record Brief (ORB), 10 February 2022
- Orders: RY-265-0175, Headquarters, 1st Infantry Division, 22 September 2010
- Memorandum, Company A, 31st Engineer Battalion, 10 March 2022
- Memorandum for Record (MFR), Allied Rapid Reaction Corps, 14 March 2022
- DA Form 2823 (Sworn Statement), 15 March 2022
- Letter of Support, 5 December 2022
- Letter of Support, 29 November 2022
- Memorandum, U.S. Army Human Resources Command (AHRC), 28 September 2022

FACTS:

1. The applicant states, in effect:

a. MILPER Message Number 08-190, 22 July 2008, revised the criteria for awarding the Combat Infantryman Badge and changed Army Regulation 600-8-22 (Military Awards), paragraph 8-6b(5)(B) to read: "Improvised Explosive Devices (IEDs), Vehicle-borne IEDs (VBIED) and the like are direct fire weapons. While no fixed qualifying distance from an explosion of these devices can be established, commanders should consider the entirety of the combat situation when considering award of the Combat Infantryman Badge."

b. An improvised rocket assisted munition (IRAM) is an IED that is capable of being used as a direct fire weapon. The enemy at the time of the engagement had direct line of sight from the point of origin (POO) site that was verified by his platoon when they maneuvered to engage the enemy. By this specific situation, they were under fire when

they closed with the enemy which meets the criteria for award of the Combat Infantryman Badge.

c. The action took place on 8 August 2011, at Camp Taji, Iraq, during his assignment to Company D, 1-18th Infantry Battalion, 2nd Armored Brigade Combat Team, 1st Infantry Division, while deployed in support of Operation New Dawn. They encountered a complex attack by anti-coalition forces using a combination of mortars and direct fire improvised rocket assisted munitions.

d. He took immediate action to assist members of his platoon to take cover and move to defensive battle positions. After the "all clear" signal was given, they reported their status to the D Company Command Team. His platoon began staging their vehicles and equipment for a quick reaction force (QRF) where they patrolled to the POO site. After the events, his company leadership submitted the recommendation for Combat Infantryman Badge, and he never was updated on the status of the recommendation. Upon redeployment, he was reassigned to 1-27th Infantry Battalion located at Schofield Barracks, HI, where he attempted to resubmit the required sworn statements and documentation but received no support from his chain of command.

2. The applicant enlisted in the Regular Army (RA) on 12 February 2008. He served in military occupational specialty (MOS) 11B (Infantryman). Evidence shows he served in Iraq from 15 November 2010 to 1 November 2011 and 6 October 2008 to 23 September 2009. On 13 May 2021, he was honorably discharged to accept a commission or warrant in the Army. The applicant is currently serving in the RA.

3. The applicant provides:

a. DA Form 4187 dated 21 April 2022, in which his immediate commander recommended approval of the Combat Infantryman Badge for coming under direct and indirect fires while performing his duties in accordance with the established rules of engagement in support of Operation New Dawn on 8 August 2011, Camp Taji, Iraq. The applicant was within 100 meters from enemy impact of mortars and IRAM. The applicant took immediate action by alerting members of his platoon to take cover and assigned defensive positions.

b. MFR, 14 March 2022, from the former Commander of Company D, 1-18th Infantry Battalion, 2nd Armored Brigade Combat Team, 1st Infantry Division while deployed in support of Operation New Dawn located at Camp Taji, Iraq. On the morning of 8 August 2011, anti-coalition forces attacked the camp using a combination of mortars and IRAMs. 11 of the IRAMs impacted directly within the perimeter of their location on the camp. The applicant, who at the time held the rank of sergeant, was performing his assigned duties at the vehicle staging area when the IRAMs impacted in the vicinity of the surrounding buildings. The applicant took immediate action to assist

members of his platoon to take cover and move to defensive positions. The applicant's platoon then began preparations for staging their vehicles and equipment for a quick reaction force.

c. DA Form 2823 from Staff Sergeant [REDACTED] dated 1 February 2014, in which he states, in effect, the applicant was engaged by indirect mortars and IRAMs on 8 August 2011. The applicant was present at Company D, 1-18th Infantry Headquarters conducting his assigned duties when the surrounding buildings came under attack by anti-coalition forces. The applicant took immediate defensive measures by alerting his platoon and leading them to cover. The applicant could have been injured during the attack and he performed his duties in accordance with the established rules of engagement.

d. Letter of support from Lieutenant Colonel (Retired) [REDACTED], former commander of 1st Battalion, 18th Infantry Regiment, 2nd Dagger Brigade, 1st Infantry Division, Fort Riley, KS, from 2010 to 2012. On 8 August 2011, Camp Taji came under indirect fire attack consisting of multiple IRAMs. The points of impact were not only within 200 meters of the battalion headquarters and billets but also seriously damaged the airstrip. As a member of the QFR, the applicant immediately deployed to the POO to close with and engage the enemy forces in the sector. The applicant was actively engaged with hostile fire by enemy forces in ground combat operations and should have been awarded the Combat Infantryman Badge.

e. Letter of support from Command Sergeant Major (CSM) (Retired), [REDACTED], who served as the Battalion CSM during the period in question. On 8 August 2011, Camp Taji received a massive enemy attack consisting of mortars and IRAMs. It was later sited as one of the largest enemy mortar attacks against a U.S. base. The applicant, along with his platoon, served as the QFR and without hesitation, immediately deployed outside the perimeter to the POO to maneuver on and close with the enemy forces in sector. As a member of the formation, serving as an infantryman, he was actively engaged upon by hostile fire from enemy forces with mortars and IRAMs in ground combat operations. He did so satisfactorily while serving in this capacity and therefore should be awarded the Combat Infantryman Badge.

f. MILPER Message Number 08-190, dated 22 July 2008, titled "Revised Criteria for Awarding Combat Badges", ORB, and deployment orders.

4. On 28 September 2022, the Chief, Awards and Decorations Branch, AHRC, disapproved the applicant's request for award of the Combat Infantryman Badge for service performed in support of Operation New Dawn. The memorandum states, in effect, per Army Regulation 600-8-22, paragraph 8-6f(1), a Soldier must be personally present and under fire while serving in an assigned infantry or Special Forces (SF) primary duty, in a unit engaged in active ground combat to close and destroy the enemy

with direct fires. Based on the documentation provided, it does not appear [the applicant] was engaged in active ground combat with the enemy.

5. There are basically three requirements for award of the Combat Infantryman Badge. The Soldier must be an infantryman satisfactorily performing infantry duties, he must be assigned to an infantry unit during such time as the unit is engaged in active ground combat, and he must 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 relief is warranted. The Board found the available evidence sufficient to consider this case fully and fairly without a personal appearance by the applicant.

2. The Board found the descriptions of the incident on 8 August 2011 confirm the criteria for the Combat Infantryman Badge were met. The Board found that the direct fire from IRAMs satisfies the criterion requiring a Soldier to be engaged in active ground combat. Based on a preponderance of the evidence, the Board determined the applicant should be awarded the Combat Infantryman Badge.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

■	■	■	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by awarding him the Combat Infantryman Badge for action on 8 August 2011.

2/16/2024

X [Redacted Signature]

CHAIRPERSON
[Redacted Name]

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 provides for award of the Combat Infantryman Badge.
 - a. For award of the Combat Infantryman Badge a Soldier must meet the following three requirements:
 - (1) Be an infantry Soldier satisfactorily performing infantry duties. A Soldier must be an Army infantry or SF officer (Career Management Field or Area of Concentration 11 or 18) in the grade of Colonel/O-6 or below, or an Army enlisted Soldier or warrant officer with an infantry or SF MOS who, subsequent to 6 December 1941, has satisfactorily performed duty while assigned or attached as a member of an infantry, ranger, or SF unit of either a brigade, regimental, or smaller size during any period such unit was engaged in active ground combat.
 - (2) Be assigned to an infantry unit during such time as the unit is engaged in active ground combat. A recipient must be personally present and under hostile fire while serving in an assigned infantry or SF 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. Battle or Campaign Participation Credit alone is not sufficient; the unit must have been in active ground combat with the enemy during the period. IEDs, VBIEDs, and the like are direct fire weapons. While no fixed, qualifying distance from an explosion of these devices can be established, commanders should consider the entirety of the combat situation when considering award of the Combat Infantryman Badge.

(3) Actively participate in such ground combat. Campaign or battle credit alone is not sufficient for award of the Combat Infantryman Badge.

b. The definition of requirement to be "engaged in active ground combat" has generated much dialogue over the years as to the original intent of the Combat Infantryman Badge. The intent has been clarified over time as being personally present, under fire, and engaging in action against the enemy in ground forces combat. It is not awarded for battle participation credit.

c. Wartime awards approval authority. When delegated wartime awards approval authority by the Secretary of the Army (or his or her designee), the following authorities apply:

(1) Brigade commander level for Soldiers assigned to, attached to, or under the operational control of brigade-level or smaller units.

(2) The first general officer in the chain of command for Soldiers assigned to units at echelons above brigade.

(3) The next higher general officer in the chain for award to a general officer.

(4) Authority to award the Combat Infantryman Badge is also delegated to regional medical center commanders receiving casualties directly from the wartime theater. Medical center commanders must ensure the Soldier meets the requirements in paragraph 8–6b. Award of the Combat Infantryman Badge is not automatic and will not be awarded solely based on award of the Purple Heart.

(5) When no authority applies or has not been delegated, recommendations will be submitted through command channels to the AHRC, Army Decorations Board, for processing.

d. Retroactive award processing for the Combat Infantryman Badge. Retroactive award of the Combat Infantryman Badge is authorized for time periods specified for fully qualified individuals.

(1) The wartime command retains wartime awards approval authority for 12 months after redeployment and can approve award of the Combat Infantryman Badge for Soldiers who deployed with their command, and qualified for, but did not receive the Combat Infantryman Badge during the deployment.

(2) Soldiers redeployed more than 12 months or reassigned to a command other than their wartime command and qualified for the Combat Infantryman Badge while deployed may request award through command channels to Commander, AHRC, 1600

Spearhead Division Avenue, Fort Knox, KY 40122–5408. Applications for retroactive award to active duty Soldiers and Reserve Component Soldiers will be forwarded through command channels to the first general officer (for endorsement) to AHRC for processing. The first general officer in the chain of command of the Soldier recommended for award of the Combat Infantryman Badge may disapprove the recommendation. Retirees and veterans should address their applications to AHRC, Army Decorations Board for processing. The DA Form 4187 with endorsement by the first general officer is not required. All other criteria must be met. Requests for retroactive award of the Combat Infantryman Badge will not be made except where evidence of injustice is presented. Requests submitted must include justification explaining why the Combat Infantryman Badge was not awarded in theater.

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. Paragraph 2-9 contains guidance on the burden of proof. It states that 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.

//NOTHING FOLLOWS//