

IN THE CASE OF: ██████████

BOARD DATE: 10 January 2024

DOCKET NUMBER: AR20230005251

APPLICANT REQUESTS: award of the Combat Infantryman Badge.

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

- Page 1 of DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), period ending 15 April 1994
- United States Army Reserve internet article, War Capabilities, 27 October 2021
- Pages 2 and 4 of Department of Veteran Affairs Rating Decision, 13 September 2022

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 he didn't receive the Combat Infantryman Badge before his discharge in 1994. His military occupational specialty, 11H (Heavy Antiarmor Weapons Infantryman), resulted in him being fired upon by a scud missile while in combat during operation Desert Storm.
3. Following prior enlisted service in the USAR, he enlisted in the Regular Army on 16 April 1990.
4. His DA Form 2-1 (Personnel Qualification Record) shows in:
 - item 5 (Overseas Service) – overseas tour credit for service in Saudi Arabia from 12 January 1991 through 22 May 1991

- item 9 (Awards, Decorations, and Campaigns) –
 - Army Service Ribbon
 - Kuwait Liberation Medal
 - National Defense Service Medal
 - Army Good Conduct Medal (1st Award)

- item 35 (Record of Assignments) – 781st Transportation Company, Saudi Arabia, as a Heavy Antiarmor Weapons Infantryman in duty MOS 11H from 12 January 1991 through 21 May 1991.

5. On 15 April 1994, he was honorably released from active duty and transferred to the U.S. Army Reserve Control Group (Reinforcement). Item 24 (Decorations, Medal, Badges, Citations and Campaign Ribbons Awarded or Authorized) show the following:

- Army Achievement Medal
- Army Lapel Button
- Army Service Ribbon
- Army Good Conduct Medal (1st Award)
- Kuwait Liberation Medal
- National Defense Service Medal
- Southwest Asia Service Medal with 3 bronze service stars

11. His service records are void of orders awarding him the CIB.

12. He provides:

a. USAR internet article titled "War Capabilities", 27 October 2021, which cites multiple USAR units and how they played a major role in relocating Soldiers and vehicles in support of operation Desert Storm.

b. Pages 2 and 4 of his Department of Veteran Affairs VA rating decision, 13 September 2022, shows he is currently receiving a 100 percent disability rating.

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, available military records, the Board determined the applicant held the military occupational specialty, 11H (Heavy Antiarmor Weapons Infantryman) and was assigned to the 781st Trans Co during

Desert Shield/Storm. The Board determined based on regulatory guidance the applicant does not meet the criteria for award of the combat infantryman badge (CIB). The Board found assignment to the 7th Cav alone is insufficient.

2. The Board noted the applicant was in the rifle squad and in accordance with regulatory guidance for award of the CIB, the 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. For example, personnel possessing an infantry MOS in a rifle squad of a cavalry platoon in a cavalry troop would be eligible for award of the CIB. Battle or CPC alone is not sufficient; the unit must have been in active ground combat with the enemy during the period." Based on regulatory guidance, the Board denied relief for award of 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 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.

2/18/2024
X █ <hr/> 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.

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 600-8-22, effective 11 January 2007, prescribed Army policy, criteria, and administrative instructions concerning individual and unit military awards. For award of the CIB, a Soldier must meet the following three requirements:
 - 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 – campaign or battle credit alone is not sufficient for award of the CIB
3. Army Regulation 635-5 (Separation Documents), in effect at the time, prescribed the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active-duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214.
 - a. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214, including the DA Form 20 and orders.
 - b. The specific instructions for item 24 stated to enter all decorations, service medals, campaign credits, and badges awarded or authorized from section 9 of the DA Form 20, omitting the authorities cited therein.

//NOTHING FOLLOWS//