

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 January 2024

DOCKET NUMBER: AR20230005289

APPLICANT REQUESTS: award of the Combat Infantryman Badge (CIB).

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:  
DD Form 149 (Application for Correction of Military Record)

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 served as an 11C (Indirect Fire Infantryman) in Desert Shield/Desert Storm. Because he was an augmentee from Berlin serving with the 3rd Squadron, 5th Cavalry of the 3rd Armor Division, some paperwork was apparently messed up and he was never awarded the CIB. He was told back in 1991, the issue was fixed before he separated. It was not until recently, when he applied to be in a group that he was made aware that there is no record of him receiving this award.
3. The applicant's service record reflects the following information:
  - a. DD Form 4 (Enlistment/Reenlistment Document) which shows he enlisted on 10 June 1987 in the Regular Army.
  - b. Permanent Orders (PO) 67-PA-012, dated 10 May 1990, shows he received an Army Good Conduct Medal (AGCM) for his period of service from 10 June 1987 through 9 June 1990.
  - c. PO 11-74, dated 21 March 1991, which shows he was awarded the Army Commendation Medal for meritorious service from 24 February 1991 to 4 March 1991.
  - d. DA Form 2-1 (Personnel Qualification Record) shows in:
    - Item 3 (Military Occupational Specialty (MOS) Evaluation and Scores): "11C (Indirect Fire Infantryman"

- Item 5 (Oversea Service):
  - 881116 thru 901227 EURA – Germany
  - 901218 thru 910613 AMEA – Saudi Arabia
  - 910614 thru 910725 EURA – Germany
- Item 9 (Awards, Decorations and Campaigns): does not show he received the CIB
- Item 17 (Civilian Education and Military Schools): Indirect Fire Infantryman
- Item 27 (Remarks): “Duty in Imminent Danger Pay Area (Southwest Asia During the Period 901228 – 910613”
- Item 35 (Record of Assignments): “881012 to 881121 – Enroute to Germany” and 881122 to 910724 - CSC 4th Battalion, 502nd Infantry Regiment, Berlin Germany”

e. His DD Form 214 shows he was honorably released from active duty on 26 July 1991. His DD Form is illegible and unable to read in full; however, it does not appear he was awarded the CIB.

f. DD Form 214 (Correction to DD Form 214) shows his Southwest Asia Service Medal (SWASM) with two bronze stars was deleted and replaced with SWASM with three bronze stars and the Kuwait Liberation Medal.

g. His records are void of orders for the CIB.

#### BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. To be awarded the CIB, the enlisted 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. The evidence shows the applicant held an infantry MOS and was assigned to the 3rd Squadron, 5th Cavalry of the 3rd Armor Division. Additionally, there is no evidence he was personally present and actively participating in ground combat while assigned or attached to an infantry unit during such time as the unit is engaged in active ground combat. The Board determined he does not meet the criteria for award of the CIB.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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.

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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 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. 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 CIB is awarded to infantry or special forces officers and enlisted and warrant officer persons who have an infantry or special forces military occupational specialties (MOS). 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.

b. The unit in question must be a brigade, regiment, or smaller size. For example, personnel possessing an infantry military occupational specialties in a rifle squad of a cavalry platoon in a cavalry troop would be eligible for award of the CIB.

c. Battle or campaign participation credit alone is not sufficient; the unit must have been in active ground combat with the enemy during the period. Personnel with other than an infantry or special forces military occupational specialties are not eligible, regardless of the circumstances.

//NOTHING FOLLOWS//