

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 February 2024

DOCKET NUMBER: AR20230005325

APPLICANT REQUESTS: reconsideration of a previous request for the award of the Combat Infantryman Badge (CIB) and add correct the following additional issues:

- To show he was awarded the Army Good Conduct Medal (AGCM)
- To show he was promoted to the rank of sergeant (SGT)/E-5

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Letter with Excerpt from Army Regulation (AR) 600-8-22 (Military Awards)
- Memorandum Report of Promotion Board Proceedings
- Leave and Earnings Statement (LES) 1-31 July 1999
- DA Form 638 (Recommendation for Award)
- Permanent Orders 274-119 Award of AGCM
- Monthly SGT Promotion Selection Name List
- DD form 214 (Certificate of Release or Discharge from Active Duty)
- Letter from Department of Veterans Affairs (VA)
- Letter from C A W-
- Letter from Joint Services Records Research Center (JSRRC) Coordinator
- Zvornik Incident Talking Points
- Document entitled Patch Ceremonies
- VA Decision document

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case, requesting award of the CIB only, by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20100016026 on 14 December 2010.

2. The applicant provides and his service records contain documentation showing he was awarded the AGCM. This portion of the applicant's request will be administratively

corrected. The requests that are before the purview of the board are the applicant's request to be promoted to the rank of SGT and reconsideration of his request for award of the CIB.

3. Though the applicant did not request it, his service records show he was awarded the Parachutist Badge, which is not listed on his DD Form 214. The badge will be included in an administrative correction.

4. The applicant states in his application and self-authored letter, in pertinent part:

a. The absence of his AGCM and promotion to SGT are administrative errors and were not added to his DD Form 214 as the applicant received out processing orders, while still on deployment. The Army erred in not extending his contract by six months.

b. For promotion to SGT, the Primary Leadership Development Course (PLDC) was not required on 1 October 1999, when he made promotion to SGT. His DD Form 214 should reflect SGT.

c. The CIB should be awarded to the applicant, Staff Sergeant (SSG) G-, Specialist (SPC) B- B- and SPC J- F-. They advanced into direct fire on foot. Bullets were ricocheting off the street at them, while they were being fired upon and heading toward the main gate of Tuzla Main. In 1999, award of the CIB required the Soldiers to be personally present and under fire, be an infantryman, and be engaged in ground combat.

d. The injustice was discovered in 2023, after a review of the applicant's VA records. The applicant prays the Board will review and correct the errors made on his DD Form 214. The applicant served honorably for his country in a military status and as a federal civilian. His father was not an honorable man and his ancestors fought in the Revolutionary and Civil wars. The applicant is trying to restore honor to his paternal lineage by correcting his service record.

e. The applicant's unit returned from leave at the end of September. *The Army Times* prints promotion lists and listed the applicant for promotion to E-5. PLDC and Mountain Leader were not required by regulation, at this time, to be promoted to E-5. Getting pinned SGT was subsequent to completing PLDC as a unit policy/precedence, but by law Soldiers promoted to E-5 in 1999 who made the list were promoted, they were E-5, while attending PLDC.

f. The applicant did not find out about his orders for award of the AGCM until he read his record with the VA.

g. The applicant includes an excerpt from AR 600-8-22 regarding award of the CIB. He highlighted portions of the document for the Board's consideration.

h. The JSRRC verifies his service in the former Yugoslavia ending on 29 August 1999. His separation orders were dated 23 August 1999. In the applicant's recollection, they returned from deployment in the middle of September. Upon arrival to the company, the whole company, except the applicant, took two weeks of leave. Using the timeline of the JSRRC, they arrived back in the United States on or about 31 August 1999. At that point, the applicant had no idea about any awards that were being written. He only had 24 business days to out process from the military as his final leave started on 10 October 1999.

i. For the CIB, he is familiar with the sounds of incoming fire, as he was on the receiving end of a drive by shooting on Tuzla main. The applicant had some down time and went to eat with several other Soldiers. As they were heading back to their barracks from eating, they headed down the raised deck ramp towards the street that lead to the front pedestrian gate of Tuzla main. Once they hit about a quarter way across the length of the street, they heard gunfire to their right approximately 25 to 50 meters away.

j. They immediately locked and loaded their weapons and started toward the dark haired, thin, bearded man with an AKI who was hanging out of a small two door white hatchback who was shooting at them. At the same moment, the gate guards with their flak vests were moving across the gate and the civilians were dispersing so the Soldiers had a clear shot. SSG G- had the applicant and other Soldiers move into a ditch, as they were advancing into the fire. As they were advancing, the applicant saw a bullet bounce off the concrete between himself and another Soldier. When the applicant looked left, bullets were whizzing by making noise as they passed by the Soldiers. As infantrymen, the Soldiers trained for years to move directly into fire, and they were advancing into the fire. Once the people at the gate were cleared, the Soldiers had a clear shot and in true cowardly form, the insurgents took off and shot at the next guard tower.

k. The applicant was on 5 minute quick reactionary force (QRF) and his radio immediately went off for QRF to respond. The applicant's team met in the motor pool and left the back gate and drove toward the tower for identification of the vehicle. The gate guards did not see the vehicle. The QRF team chased multiple vehicles Around the country for hours looking for the shooter. They could not locate the specific insurgent.

l. The applicant continues to describe different missions he was in and the results of those missions. He requested the Board take into consideration his experiences, which were verified, in accordance with the law of the time and that he qualified for the CIB. The entire letter is available for the Board's consideration.

5. The applicant provides the following documents:

a. Memorandum subject Report of Promotion Board Proceedings for Promotion to SGT and SSG, dated 11 June 1999, shows the applicant was recommended for promotion to SGT.

b. LES from 1-31 July 1999, shows the applicant received hazardous duty pay.

c. DA Form 638 (Recommendation for Award), dated 7 July 1999 shows the applicant was recommended for the Army Commendation Medal (ARCOM) for exceptionally meritorious service from 1 September 1997 to 31 October 1999. It states the applicant was deployed to Bosnia from 17 February 1999 to 29 August 1999 and that he obtained his promotable status to SGT in June 1999. The second page of the form is not available for the Board's consideration.

d. Headquarters, Department of the Army, SGT Promotion Selection Name List (Selected for 1 October 1999 Promotion) includes the applicant's name and shows his military occupational specialty (MOS) of 11B (Infantryman).

e. Letter from the VA, dated 31 May 2007 requesting additional information or evidence.

f. Letter from C A W-, dated 7 July 2009 states the applicant served in the Army from 1 November 1996 through 31 October 1999 and had claimed service connected for PTSD. He submitted a claim describing events in Bosnia. The author was requesting corroboration of any stressful event.

g. Letter from JSRRC Coordinator, dated 7 September 2010, states the applicant served in the Army from 1 November 1996 to 31 October 1999 as an Infantryman and was honorably discharged. He had service in Bosnia from 17 February 1999 through 29 August 1999. The applicant service was consistent with the places, types, and circumstances of hostile military activity.

h. A document entitled [REDACTED] incident talking points, which states, in pertinent part, hard line radicals and the criminals they employ attacked and attempted to murder members of the stabilization force living in the [REDACTED] area. The entire document is available for the Board's consideration.

i. Document entitled Patch Ceremonies shows 3rd Brigade Combat Team, 3rd Infantry Division was authorized the Shoulder Sleeve Insignia-Former Wartime Service for being deployed to the Kosovo area beginning 24 March 1999 - Federal Republic of Yugoslavia (Serbia and Montenegro) Albania, the Adriatic Sea, and the Ionian Sea north of the 39th Parallel.

j. VA Decision Review Officer Decision, dated 16 April 2020, shows service connection for PTSD was granted with an evaluation of 70 percent effective 10 April 2007.

6. The applicant's service record contains the following documents:

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States), dated 12 July 1996 shows the applicant enlisted in the U.S. Army Reserve (USAR) delayed entry program (DEP) for a period of 8 years. On 1 November 1996, the applicant was discharged from the USAR DEP and entered active duty for a period of 3 years.

b. DA Form 2-1 (Personnel Qualification Record) shows the applicant was promoted to SPC on 1 September 1998 and he was an 11B (Infantryman) assigned to the 8th Infantry at Fort Drum, New York.

c. Permanent Orders 068-537, published by Headquarters, United States Army Infantry Center, dated 9 March 1997 shows the applicant was awarded the Parachutist Badge. This award is not listed on his DD Form 214, and will be administratively corrected.

d. DA Form 4980-14 (ARCOM Certificate) shows the applicant received the ARCOM on 17 August 1999 for his service from 1 September 1997 through 31 October 1999, which included his deployment to Bosnia.

e. Permanent Orders 274-119, published by Headquarters, 10th Mountain Division (Light Infantry), dated 1 October 1999, awarded the applicant the AGCM, which is not listed on his DD Form 214 and will be administratively corrected.

f. DD Form 214, shows the applicant entered active duty on 1 November 1996 and was honorably transferred to USAR Control Group (Reinforcement), in the rank of SPC/E-4, on 31 October 1999. He had the MOS of 11B (Infantryman). He had service in Bosnia from 17 February 1999 through 29 August 1999. His DD Form 214 is void of award of the AGCM, Parachutist Badge (administrative corrections) and the CIB.

g. The applicant's service record is void of promotion orders to the rank of SGT and award of the CIB.

7. On 14 December 2010, the ABCMR denied the applicant's request for award of the CIB stating the applicant was an infantryman assigned to an infantry unit in Bosnia; however, the CIB is not authorized for service in this location. There was no basis for granting the applicant's request.

BOARD DISCUSSION:

1. The Board also thoroughly reviewed the application, all supporting documents, and the evidence found within the military record, and the Board carefully considered applicant's contentions, the military record, and regulatory guidance. The Board found that relief was not warranted regarding the applicant's request for the CIB.

a. The applicant argued that the CIB should be awarded to himself, and three other Soldiers, because they "advanced into direct fire on foot. Bullets were ricocheting off the street at them, while they were being fired upon and heading toward the main gate of Tuzla Main. In 1999, award of the CIB required the Soldiers to be personally present and under fire, be an infantryman, and be engaged in ground combat."

b. The Board determined that whether a Soldier meets the baseline criteria for award of the CIB is irrelevant, if the CIB was not authored for award in the area the Soldier was assigned when the incident occurred. The evidence of record indicates the applicant was deployed to Bosnia during the period under question. The CIB was not authorized for Bosnia.

2. The Board also thoroughly reviewed the application, all supporting documents, and the evidence found within the military record, and the Board carefully considered applicant's contentions, the military record, and regulatory guidance. The Board found that relief was not warranted regarding the applicant's request for a promotion the rank/grade of SGT/E-5.

a. He argued that his missing promotion to SGT was an administrative error which occurred because he received out-processing orders while he was still deployed. He further argued the Army erred in not extending his contract by 6-months and that the Primary Leadership Development Course was not required on 1 October 1999, when he made promotion to SGT, however, he provides no evidence to show this was the case.

b. His name was listed on the Monthly Sergeant Promotion Selection List for promotion to SGT, with a date of rank of 1 October 1999, which stated, Soldiers would be promoted with an effective date/date of rank of 1 October 1999, provided the Soldiers were otherwise qualified.

c. The regulatory guidance in effect at the time specifically required a Soldier must be a Primary Leadership Development Course (PLDC) graduate for promotion to SGT. There is no evidence the applicant completed PLDC.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:            :            :            GRANT FULL RELIEF

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:            :            :            GRANT FORMAL HEARING

:            :            :            DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Other than the corrections addressed in Administrative Note(s) below, the Board determined the evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined:

a. the overall merits of this case are insufficient as a basis to amend decision of the ABCMR set forth in Docket Number AR20100016026, dated 14 December 2010, regarding his request for awards of the Combat Infantryman Badge, and

b. the evidence presented regarding the applicant's new request for correction of his DD Form 214 to show he was promoted to the rank/grade of sergeant (SGT)/E-5 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.

ADMINISTRATIVE NOTE(S): administratively correct block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) to add the:

- Army Good Conduct Medal
- Parachutist Badge

REFERENCES:

1. AR 600-8-22 (Military Awards) provides for award of the Combat Infantryman Badge. There are basically three requirements for award of the Combat Infantryman Badge. The Soldier must be an infantryman, assigned or attached as a member of an infantry unit of brigade, regimental, or smaller size, satisfactorily performing infantry duties, during such time as the unit is engaged in active ground combat, and he must actively participate in such ground combat. The CIB was not authorized for Bosnia.

2. AR 635-5 (Separation Documents) states that the DD Form 214 will reflect the conditions and circumstances that existed at the time the records were created. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form be complete and accurate and reflects the conditions as they existed at the time of separation. Personnel officers will prepare and authenticate DD Form 214 prior to forwarding records to the transfer facility. All available records will be used as a basis for the preparation of DD Form 214, including DA Form 2-1 (Personnel Qualification Record) and orders. Item 4a./b. (Grade, Rate or Rank/Pay Grade) will reflect the service members rank and pay grade at the time of separation.

3. AR 600-8-19 (Enlisted Promotions and Reductions), paragraph 1–27 (Noncommissioned Officer Education System (NCOES) requirement for promotion and conditional promotion) in effect at the time provides, the Army links NCOES to promotion the NCO ranks. Linking the NCOES to promotion ensures NCOs possess the appropriate skills and knowledge required prior to assuming the duties and responsibilities of the next higher grade. This paragraph goes on to list the NCOES requirements for promotion, and specifically states, a Soldier must be a Primary Leadership Development Course (PLDC) graduate for promotion to SGT.

4. Title 10, U.S. Code, section 1552, provides that the Secretary of a Military Department may correct any record of the Secretary's Department when the Secretary considers it necessary to correct an error or remove an injustice. With respect to records of courts-martial and related administrative records pertaining to court-martial cases tried or reviewed under the Uniform Code of Military Justice, action to correct any military record of the Secretary's Department may extend only to correction of a record



to reflect actions taken by reviewing authorities under the Uniform Code of Military Justice or action on the sentence of a court-martial for purposes of clemency. Such corrections shall be made by the Secretary acting through boards of civilians of the executive part of the Military Department.

//NOTHING FOLLOWS//