

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 February 2024

DOCKET NUMBER: AR20230006521

APPLICANT REQUESTS: reversal of the U.S. Army Human Resources Command, Awards Branch, denial of his retroactive award of the Combat Action Badge.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4187 (Personnel Action)
- Self-Authored Narrative
- 3 DA Forms 2823 (Sworn Statement)
- Enlisted Record Brief (ERB)
- Orders: BG-344-0231, U.S. Army Installation Management Command, 10 December 2018
- North Atlantic Treaty Organization Travel Order Number: BG-344-0231 (N)
- Memorandum, U.S. Army Human Resources Command (AHRC), 1 May 2023

FACTS:

1. In a self-authored narrative the applicant states, in effect:

a. He was deployed to Afghanistan from March to December of 2019. Initially they were sent to Kandahar to function as an Expeditionary Advisor Package (EAP) with Afghan National Army (ANA) forces but were rerouted to Operating Base (OB) Fenty, Jalalabad, Train Advise Assist Command-East. While there, they were preparing for an EAP with their newly assigned ANA partners. Their billeting area was positioned next to the task force compound and adjacent to the Counter-Rocket, Artillery, Mortar (C-RAM). They were present for recent test fire iterations for the C-RAM and always heard the test fire announcement. On 8 May 2019 at approximately 2015L, he and his roommate were outside of their sleeping quarters when the C-RAM started firing. At that moment he distinctly remembers thinking how weird it was that there was not a test fire announcement while hearing the incoming rocket and subsequent mid-air explosion approximately 80 meters from his location.

b. They felt the concussion of the blast and felt the impact. The shrapnel from the rocket impacted the roof of their quarters and damaged nearby Hesco barriers. He and

his roommate immediately ran into their rooms to grab their body armor, aid bags, and primary weapon systems. They triaged their team to ensure they didn't have any casualties and gave accountability to their senior operations advisor. They were given guidance to triage the surrounding billeting area then proceed to the task force compound for additional accountability and to stand by in their aid station. Once they were given the "all clear" they downgraded back to their billeting area. He initially waited to submit because he wanted to earn his combat medical badge (CMB), but it was denied because the type of medical care wasn't accepted in keeping the badge being awarded, or so he was told. Now that he is in a unit where he is ineligible for a CMB, he is submitting this packet. It was submitted multiple times with his previous unit's S-1, but no action was taken.

2. The applicant is currently serving in the Regular Army in military occupational specialty 68W (Combat Medic Specialist) in the rank/grade of staff sergeant/E-6. Evidence shows he served in Afghanistan from 9 March to 3 December 2019.

3. The applicant provides, in part:

a. DA Form 4187, Headquarters and Headquarters Company, 1st Squadron, 25th Aviation Regiment, 30 November 2022, recommending the applicant for the Combat Action Badge for an incident at OB Fenty, Afghanistan on 8 May 2019. Description of the incident states enemy forces indirect fire at OB Fenty was engaged with C-RAM. As a result, the round detonated approximately 150 feet above the ground, approximately 50 meters adjacent to the compound billeting area. The explosion scattered fragmented shrapnel into the billeting area, basketball court, and compound area.

b. He and Master Sergeant SCD sworn statements of the event which essentially mirror what the applicant stated in his narrative in paragraph 1. A sworn statement from Sergeant TCM states, in effect, they were outside of their rooms smoking a cigarette when they heard the C-RAM go off and then a loud explosion. They did not hear that there was a drill, so they ran into the room to grab their weapon and kit and came back outside to give accountability and see if there was anyone injured due to [the applicant] being the team primary medic. Once outside, other members of the team came out of their rooms to see what was going on and give accountability. [The applicant] gave a verbal triage to all members of the team to make sure they had not sustained any casualties. Once the "all clear" was given he and the applicant downgraded their gear and buddy cleared their weapons and placed them back in their room.

c. ERB and deployment orders.

4. A memorandum from AHRC, Chief, Awards and Decoration Branch, dated 1 May 2023, disapproved his request for retroactive award of the Combat Action Badge on behalf of the applicant for service performed in support of Operation Freedom Sentinel

stating the documentation submitted in support of the request did not provide sufficient justification to warrant retroactive approval for the incident in question. In accordance with Army Regulation 600-8-22 (Military Awards), paragraph 8-8, a Soldier must be personally present and under hostile fire while performing satisfactorily in accordance with the prescribed rules of engagement. On or after 5 March 2019, a Soldier must also be performing in an offensive or defensive act while participating in combat operations, engaging, or being engaged by the enemy. The forwarded documentation did not indicate the applicant met the criteria. Further, Soldiers must not be assigned or attached to a unit that would qualify the Soldier for the Combat Infantryman Badge (CIB) and/or the CMB. The applicant was the team medic on 8 May 2019, and therefore would not be eligible to receive the Combat Action Badge.

5. The Combat Action Badge is not intended to recognize Soldiers who simply serve in a combat zone or imminent danger area. Battle participation credit alone is not sufficient; the unit must have engaged or been engaged by the enemy. In order to qualify for the Combat Action Badge, a member must be performing assigned duties in an area where hostile fire pay, or imminent danger pay is authorized; they must be personally present and under hostile fire while performing satisfactorily in accordance with the prescribed rules of engagement; and they must not be assigned or attached to a unit that would qualify the Soldier for the CIB or CMB. On or after 5 March 2019, a Soldier must also be performing an offensive or defensive act while participating in combat operations, engaging, or being engaged by the enemy.

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. The applicant contends he qualifies for the Combat Action Badge (CAB) for an incident in Afghanistan on 8 May 2019, when enemy forces indirect fire at a FOB, was engaged with C-RAM. As a result, the round detonated approximately 150 feet above the ground, approximately 50 meters adjacent to the compound billeting area. The explosion scattered fragmented shrapnel into the billeting area, basketball court, and compound area. The Board noted that the applicant was a team medic. Aside from the fact that a Soldier must not be assigned or attached to a unit that would qualify the Soldier for the Combat Infantryman Badge (CIB) and/or the Combat Medical Badge, to be awarded the CAB, a Soldier must be personally present and under hostile fire while performing satisfactorily in accordance with the prescribed rules of engagement. A Soldier must also be performing in an offensive or defensive act while participating in combat operations, engaging, or being engaged by the enemy. The Board noted that the documents provided by the applicant did not indicate the applicant met the criteria.

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.

█

█ █

█

█

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 prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. Instructions state the requirements for award of the Combat Action Badge are branch and military occupational specialty immaterial. Assignment to a combat arms unit or a unit organized to conduct close or offensive combat operations, or performing offensive combat operations, is not required to qualify for the Combat Action Badge. However, it is not intended to award the Combat Action Badge to all Soldiers who serve in a combat zone or imminent danger area. Award of the Combat Action Badge is not automatic and will not be awarded solely based on award of the Purple Heart. The Combat Action Badge may be awarded to any Soldier. Paragraph 8-8 states specific eligibility requirements which include:

a. Soldier must be personally present and under hostile fire while performing satisfactorily in accordance with the prescribed rules of engagement, in an area where hostile fire pay, or imminent danger pay is authorized. For all named conflicts beginning after 5 March 2019, a Soldier must also be performing in an offensive or defensive act while participating in combat operations, engaging, or being engaged by the enemy. A Soldier must be performing their assigned duties associated with the unit's combat mission in an area where hostile fire pay, or imminent danger pay is authorized.

b. Soldier must be performing assigned duties in an area where hostile fire pay, or imminent danger pay is authorized. The requirement for hostile fire pay or imminent danger pay does not apply to cases determined to be eligible under the conditions described in paragraph 3-8c.

c. Soldier must not be assigned or attached to a unit that would qualify the Soldier for the CIB/CMB. For example, an 11B (Infantryman) assigned to Corps staff is eligible for award of the Combat Action Badge. However, an 11B assigned to an infantry battalion is not eligible for award of the Combat Action Badge.

d. In addition to Army Soldiers, the Combat Action Badge may also be awarded to members of other U.S. Armed Forces and foreign military personnel assigned to a U.S. Army unit, provided they meet the above criteria.

e. Award of the Combat Action Badge is authorized from 18 September 2001 to a date to be determined. Award for qualifying service in any previous conflict is not authorized.

f. Second and subsequent awards of the Combat Action Badge are as follows:

(1) Only one Combat Action Badge may be awarded during a qualifying period.

(2) Second and subsequent award of the Combat Action Badge will be indicated by super- imposing one and two stars respectively, centered at the top of the badge between the points of the oak wreath.

g. Retroactive awards of the Combat Action Badge are not authorized prior to 18 September 2001.

2. Army Regulation 15-185 prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. 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.

//NOTHING FOLLOWS//