

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 February 2024

DOCKET NUMBER: AR20230007610

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect:

- award of the Expert Infantryman Badge (EIB)
- award of Combat Infantryman Badge (CIB)
- rank/grade of sergeant (SGT)/E-5
- deployment/foreign service in Panama

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

- DD Form 149 (Application for Correction of Military Record)
- Certificate of Achievement, dated 12 June 1990
- Initial Promotion Eligibility Worksheet, dated 7 August 1990

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 his DD Form 214 should be corrected to reflect his award of the EIB, CIB, and his rank/grade of SGT/E-5. They were omitted from his DD Form 214. He cannot locate the orders, but he has a copy of his Certificate of Achievement, which he provides. Additionally, he deployed to Panama in support of Operation Liberty/Just Cause from 20 December 1989 through 6 February 1990.
3. The applicant enlisted in the Regular Army on 2 February 1988 and was awarded the Military Occupational Specialty (MOS) 11B (Infantryman).
4. An electronic DA Form 4187 (Personnel Action), dated 18 July 1989, shows on the date of the form, a request for the applicant's advancement in rank/grade from private first class (PFC)/E-3 to specialist four (SP4)/E-4 with waiver for time in service was

made and the request was approved on 19 July 1989, advancing him to the rank/grade of SP4/E-4 effective 2 August 1989.

5. The applicant provides his Certificate of Achievement, dated 12 June 1990, awarded for meritorious achievement while deployed with the 7th Infantry Division (Light) and Fort Ord to the Republic of Panama on "Operation Liberty" from 20 December 1989 through 2 February 1990, a period of 45 days or 1 month and 15 days.

6. A DA Form 638 (Recommendation for Award) shows:

a. The applicant was recommended for award of the Army Achievement Medal (AAM) on an unspecified date for the following achievements during the period from 6 July 1990 through 18 July 1990 (a period of 12 days):

- During deployment in support of Operation Freedom Fighter, he assumed charge of two teams.
- During the movement to contact, he located the Objective Rally Point (ORP) and Objective (OBJ) Mike.
- During the anti-armor defense, he supervised the construction of his team's fighting positions and his persistence enabled his team to destroy an enemy armored vehicle.
- During the battalion field training exercise, he led an Opposing Forces (OPFOR) team on the movement to contact lane. His dedication enabled the platoons to learn from their mistakes.

b. His intermediate commander recommended approval of the AAM on 23 July 1990. The approval authority approved the award on 2 August 1990, directing the issuance of orders and certificate for presentation to the applicant.

c. The orders data reflects Permanent Orders Number 156-90 with an order issuing date of 17 August 1990.

7. An Initial Promotion Eligibility Worksheet, shows the applicant met the eligibility requirements for and was recommended for promotion to SGT/E-5 on 7 August 1990. The form was processed by SPC L\_\_\_\_ C\_\_\_\_, but it does not show the form was reviewed or that he was recommended for promotion by his immediate commander.

8. The applicant's DA Form 2-1 (Personnel Qualification Record – Part II) shows:

a. Item 5 (Overseas Service) is blank.

b. Item 9 (Awards, Decorations and Campaigns) shows:

- Army Service Ribbon
  - Army Good Conduct Medal (1st Award)
  - National Defense Service Medal
- c. Item 18 (Appointments and Reductions) shows:
- appointment to SP4 on 1 September 1989
  - appointment to corporal (CPL) on 19 September 1990
9. The applicant's available service records do not contain orders promoting him in rank/grade to SGT/E-5, awarding him the CIB, or awarding him the EIB.
10. The applicant's DD Form 214 shows:
- a. He was honorably released from active duty on 16 May 1991, due to expiration term of service and transferred to the U.S. Army Reserve (USAR) (Reinforcement).
  - b. Items 4a (Grade, Rate or Rank) and 4b (Pay Grade) show CPL/E-4.
  - c. He was credited with 3 years, 3 months and 15 days of net active service.
  - d. Item 12f (Foreign Service) shows 00 00 00.
  - e. Item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) shows:
    - Army Service Ribbon
    - Army Lapel Button
    - Army Good Conduct Medal
    - National Defense Service Medal
    - Sharpshooter Marksmanship Qualification Badge with Rifle Bar
    - Expert Marksmanship Qualification Badge with Grenade and Rocket Launcher Bars
  - f. Item 18 (Remarks) no listing of any deployments.
11. U.S. Army Reserve Personnel Center Orders D-02-618248, dated 6 February 1996 honorably discharged the applicant from the USAR effective the date of the orders. The applicant's rank is reflected on the orders as CPL.

**BOARD DISCUSSION:**

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was partially warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Army Achievement Medal: Grant. Permanent Orders Number 156-90, issued on 17 August 1990 award him the Army Achievement Medal. This award should be listed on his DD Form 214.

b. Foreign Service in Panama: Grant. The applicant provides a certificate of achievement, dated 12 June 1990, for meritorious achievement while deployed with the 7th Infantry Division (Light) to Panama for "Operation Liberty" from 20 December 1989 through 2 February 1990, a period of 45 days or 1 month and 15 days. Operation Promote Liberty, initiated on 12 January 1990, days after the launching of Operation Just Cause, was the execution of civil-military restoration of Panama. The Board determined Block 12f of his DD Form 214 should be corrected to show 1 month and 15 days of foreign service, and item 18 (Remarks) should list this deployment.

c. Expert Infantryman Badge: Deny. The Board did not find evidence in the form of a certificate or order, and the applicant provides none that confirms the applicant completed the prescribed proficiency tests while assigned or attached to an infantry unit of at least battalion size.

d. Combat Infantryman Badge: Deny. The Board noted the applicant held an infantry MOS and was assigned to an infantry unit. However, the Board did not find evidence in the record, and the applicant provides none to show he actively participated in ground combat while assigned to an infantry unit during such time as the unit is engaged in active ground combat with the enemy.

e. Grade: Deny. The Board noted the applicant was promotable to the next higher grade. However, there is no evidence he met the cut-off scores for his primary MOS or that he was issued promotion orders at the time.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:            :            :            GRANT FULL RELIEF

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:            :            :            GRANT FORMAL HEARING

:            :            :            DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by adding to his DD Form 214:

- Block 12a, delete 0000-00-00 and add 0000-01-15
- Block 13, add the Army Achievement Medal
- Block 18, add Service in Panama from 20 December 1989 to 2 February 1990

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to:

- Adding the Expert Infantryman Badge and Combat Infantryman Badge
- Amending his rank/grade to SGT/E-5

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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 635-5 (Separation Documents) in effect at the time, prescribes the separation documents prepared for individuals upon retirement, discharge, or release from active military service or control of the Army and establishes standardized policy for preparing and distributing the DD Form 214 (Certificate of Release or Discharge from Active Duty). The specific instructions for preparation of the DD Form 214 show:

a. In item 4a (Grade, Rate or Rank) and 4b (Pay Grade), enter active duty grade or rank and pay grade at the time of separation.

b. In item 12f (Foreign Service), enter the total amount of foreign service completed during the period covered in item 12c (Net Active Service this Period). Obtain the foreign service from DA Form 2-1 (Personnel Qualification Record – Part II) for enlisted Soldiers to compute this entry.

c. In item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized), entries will be for all periods of service. Check the Soldiers' service records for validity of awards. Do not abbreviate when listing the entries.

d. Item 18 (Remarks) in effect at the time, did not include a provision for entering the location or length of deployed service.

3. Army Regulation 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

- Award of the Combat Infantryman Badge has three basic requirements. 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.
- Award of the Expert Infantryman Badge requires that an individual must have satisfactorily completed the prescribed proficiency tests while assigned or attached to an infantry unit of at least battalion size. To be eligible for testing and award of the Expert Infantryman Badge, a Soldier must be in an active Army status and must have an infantry or special forces specialty

//NOTHING FOLLOWS//