



and misleading investigators as to the nature of his relationship with [REDACTED] a local national interpreter, during the course of two official investigations.

c. On 24 July 2005, he accepted nonjudicial punishment for the following:

- On or about November 2004 and on or about February 2005, violated a lawful general order by wrongfully consuming alcohol
- On or about 8 February 2005, with intent deceive, make an official statement, which was totally false, when questioned if he drank alcohol while in Irbil
- On or about 5 March 2005, with intent deceive, make an official statement, which was totally false, when questioned if he drank alcohol during his deployment

d. U.S. Army Human Resources Command memorandum, dated 12 January 2006, Subject: Notification of Promotion Status, informed the applicant that the Department of the Army Reserve Components Selection Board was convened on 13 September 2005 to consider officers of his grade for promotion. Further stating, he was considered, but was not among those selected for promotion by the board.

e. Headquarters, Civil Affairs and Psychological Operations Command (A) Orders 07-144-00017, dated 24 May 2007, shows he was released from the Headquarters and Headquarters Company, 351st Civil Affairs Command on 8 June 2007 and assigned to The Retired Reserve, reason: completion of 20 or more years of qualifying service for retirement pay at age 60.

5. Army Regulation (AR) 600-8-22 (Military Awards), prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. The goal of the total Army awards program is to foster mission accomplishment by recognizing excellence of both military and civilian members of the force and motivating them to high levels of performance and service.

#### 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 and available military records, the Board determined the applicant was an infantry branch officer who was assigned to the 426th Civil Affairs Battalion. However, the Board found no evidence the applicant was assigned to an infantry unit during such time as the unit was engaged in active ground combat.

2. The Board agreed that one of the highest awards for valor is the Silver Star, the Board found no documentation to support the applicant was ever nominated or awarded the Silver Star. The Board determined there is insufficient evidence to support the applicant's contentions for award of the Combat Infantryman Badge (CIB) and Silver Star. As such, the Board denied relief.

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.

5/14/2024

X █  
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CHAIRPERSON

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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, USC, section 1552(b), provides that applications for correction of military records must be filed within three 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 three-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

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

a. Paragraph 8–6 states, for award of the CIB a Soldier must meet the following three requirements:

- Be an infantryman satisfactorily performing infantry duties
- 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

b. Paragraph 8-8i. states, Soldiers may be awarded the CIB, CMB and CAB for the same qualifying period, provided the criteria for each badge are met. However, subsequent awards of the same badge within the same qualifying period are not authorized.

c. Paragraph 3–12b. The Silver Star is awarded to a person who, while serving in any capacity with the U.S. Army, is cited for gallantry in action against an enemy of the United States while engaged in military operations involving conflict with an opposing foreign force, or while serving with friendly foreign forces engaged in armed conflict against an opposing armed force in which the United States is not a belligerent party. The required gallantry, while of a lesser degree than that required for the DSC, must nevertheless have been performed with marked distinction.

//NOTHING FOLLOWS//