

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 April 2024

DOCKET NUMBER: AR20230009684

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show the Combat Infantryman Badge.

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 there is no listing of the Combat Infantryman Badge on his DD Form 214. He earned this badge.
3. Review of the applicant's service records shows:
 - a. He enlisted in the Regular Army on 4 November 1988. He was trained in and held military occupational specialty 11M, Fighting Vehicle Infantryman.
 - b. His DA Form 2-1 (Personnel Qualification Record) shows he served in Saudi Arabia (Southwest Asia) in support of Operations Desert Shield/Storm from 2 January to 6 April 1991. He was assigned to Company C, 5th Battalion, 5th Cavalry, 3rd Armored Division.
 - c. Permanent Orders 09-73, issued by Headquarters, 1st Brigade, 3rd Armored Division, on 19 March 1991, awarded him the Army Commendation Medal for meritorious service from 24 February to 4 March 1991.
 - d. He was honorably released from active duty on 3 November 1992 due to expiration of his term of service. His DD Form 214 shows he completed 4 years of active service. It also shows he was awarded or authorized:

- Army Commendation Medal
- Army Achievement Medal with oak leaf cluster
- Good Conduct Medal
- National Defense Service Medal
- Army Service Ribbon
- Overseas Service Ribbon
- Expert Badge with Rifle and Tank Weapons Bars
- Sharpshooter Badge with Grenade Bar
- Southwest Asia Service Medal with 2 bronze service stars
- Kuwait Liberation Medal

4. There are no orders in his service record that indicate he was recommended for or awarded the Combat Infantryman Badge. Likewise, there is no entry on his DA Form 2-1 for this award or the authority/order that issued/announced it.

5. By regulation (AR 600-8-22), there are basically three requirements for award of the Combat Infantryman Badge. The Soldier must:

- Be an infantry Soldier satisfactorily performing infantry duties.
- Be 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 Combat Infantryman Badge

6. The unit in question must be a brigade, regiment, or smaller size. For example, personnel possessing an infantry MOS in a rifle squad of a cavalry platoon in a cavalry troop would be eligible for award of the Combat Infantryman Badge. Battle or campaign participation credit alone is not sufficient. The unit must have been in active ground combat with the enemy during the period.

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 evidence of record shows the applicant held an infantry MOS. He served in Southwest Asia in support of Operations Desert Shield/Storm from 2 January to 6 April 1991. He was assigned to Company C, 5th Battalion, 5th Cavalry. Although personnel possessing an infantry MOS in a rifle squad of a cavalry platoon in a cavalry troop would be eligible for award of the Combat Infantryman Badge, the issue here is that there no evidence the applicant was personally present while his unit was actively engaging the enemy in ground combat. The Board determined he does not meet all three elements for award of the Combat Infantryman Badge.

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.

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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 600-8-22 (Military Awards) states the Combat Infantryman Badge (CIB) is awarded to infantry officers and to enlisted and warrant officer persons who have an infantry military occupational specialty (MOS). For award of the CIB, a Soldier must meet the following three requirements:

a. Be an infantry Soldier satisfactorily performing infantry duties. A Soldier must be an Army infantry or SF officer (career management field (CMF) or AOC 11 or 18) in the grade of COL/O-6 or below or an Army enlisted Soldier or warrant officer with an infantry or SF (Special Forces) MOS who, subsequent to 6 December 1941, has satisfactorily performed duty while assigned or attached as a member of an infantry, ranger, or SF unit of either a brigade, regimental, or smaller size during any period such unit was engaged in active ground combat. Eligibility for SF personnel in MOSs 18B, 18C, 18E, 18F, and 18Z (less 18D – SF medical sergeant) accrues from 20 December 1989. Retroactive awards of the CIB to SF personnel are not authorized prior to 20 December 1989.

b. Be assigned to an infantry unit during such time as the unit is engaged in active ground combat. A recipient must be personally present and under hostile fire while serving in an assigned infantry or SF primary duty in a unit actively engaged in ground combat with the enemy. The unit in question must be a brigade, regiment, or smaller size. For example, personnel possessing an infantry MOS in a rifle squad of a cavalry platoon in a cavalry troop would be eligible for award of the CIB. 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 SF MOS are not eligible, regardless of the circumstances. The infantry or SF Career Management Field, AOC, or MOS does not necessarily have to be the Soldier's primary specialty, as long as the Soldier has been properly trained in infantry or SF tactics, possesses the appropriate skill code, and is serving in that specialty when engaged in active ground combat as described above. Commanders are not authorized to make any exceptions to this policy.

c. Actively participate in such ground combat. Campaign or battle credit alone is not sufficient for award of the CIB.

//NOTHING FOLLOWS//