

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 April 2024

DOCKET NUMBER: AR20230010012

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

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

- DD Form 149 (Application for Correction of Military Record), 26 June 2023
- Name list
- Permanent Orders (PO) 171-007, Headquarters (HQ), Joint Task Force, 20 June 2006
- DD Form 214, 4 October 2006

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, in effect, this combat award was not added to his DD Form 214. The last four digits of his social security number on the award should show xx94 when his number was xx74. This may have caused an oversight. He satisfactorily performed duty while under hostile fire.
3. He provided copies of a partially legible set of unsigned Permanent Orders, issued by an unknown Joint Task Force, dated 20 June 2006; with an illegible list of names. He provides an alternate list of partially legible names.
4. The applicant's records contain sufficient evidence to support additional awards not shown on his DD Form 214 and will be noted in administrative corrections.
5. A review of the applicant's service records shows:
 - a. On 24 January 2005, he enlisted in the Regular Army for a period of 4 years and 10 weeks, beginning at grade/pay grade private 2/E-2. He completed Basic Combat

Training, he completed Advanced Individual Training, and he was awarded military occupational specialty 11B (Infantryman).

b. On 16 June 2005, PO 167-2859, issued by HQ, U.S. Army Infantry Center, Fort Benning, awarded him the Parachutist Badge.

c. He served in Iraq from 12 November 2005 to 12 April 2006. His unit of assignment in Iraq is not shown in the available records.

d. His Enlisted Record Brief shows he was awarded or authorized: National Defense Service Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Parachutist Badge

e. On 4 October 2006, he was honorably discharged. His DD Form 214 shows in:

(1) Block 12f (Foreign Service) - 5 months and 1 day.

(2) Block 13 (Decorations, Medals, Badges, Citations, and Campaign ribbons Awarded or Authorized):

- National Defense Service Medal
- Global War on Terrorism Service Medal
- Iraq Campaign Medal
- Army Service Ribbon
- Parachutist Badge
- Overseas Service Bar

(3) Block 18 (Remarks): "Service in Iraq 20051112-20060412" and "Soldier did serve in an imminent danger pay area."

f. His records are void of orders or a commander's recommendation awarding him the CIB.

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 held an infantry MOS and served in Iraq from 12 November 2005 to 12 April 2006. His unit of assignment in Iraq is not shown in the available records. Nevertheless, there are no permanent orders in the applicant's service record (or provided by the applicant) that show he was awarded the Combat Infantryman Badge. In the absence of

such orders, the Board determined there is insufficient evidence to add this badge to his DD Form 214. If the applicant has such orders, he may reapply to this Board for reconsideration. If the applicant believes he meets the criteria for this badge and that it should be awarded, he may review Army Regulation 600-8-22 (Military Awards) and then submit his request to the U.S. Army Human Resources Command for consideration.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Except for the corrections addressed in Administrative Note(s) below, 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.

ADMINISTRATIVE NOTE(S): A review of the applicant's records shows he was awarded or authorized the following awards not listed on his DD Form 214: two bronze service stars added to his previously issued Iraq Campaign Medal.

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 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. 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.

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

a. the Iraq Campaign Medal is awarded to members who have served in direct support of Operation Iraqi Freedom (OIF). The area of eligibility encompasses all the land area of the country of Iraq, the contiguous water area out to 12 nautical miles, and all air spaces above the land area of Iraq and above the contiguous water area out to 12 nautical miles. The Iraq Campaign Medal period of eligibility is on or after 19 March 2003 through 31 December 2011. A bronze service star is authorized for wear with this medal for participation in each credited campaign.

b. Approved campaigns are:

- Liberation of Iraq (19 March 2003-1 May 2003)
- Transition of Iraq (2 May 2003-28 June 2004)
- Iraqi Governance (29 June 2004-15 December 2005)
- National Resolution (16 December 2005-9 January 2007)
- Iraqi Surge (10 January 2007-31 December 2008)
- Iraqi Sovereignty (1 January 2009-31 August 2010)
- New Dawn (1 September 2010-31 December 2011)

c. The Combat Infantryman Badge is awarded to infantry or special forces officers and enlisted and warrant officer persons who have an infantry or special forces military occupational specialties.

(1) They must have served in active ground combat while assigned or attached to an infantry, ranger, or special forces unit of brigade, regimental, or smaller size. Specifically, a recipient must be personally present and under hostile fire while serving

in an assigned infantry or special forces primary duty in a unit actively engaged in ground combat with the enemy.

(2) The unit in question must be a brigade, regiment, or smaller size. For example, personnel possessing an infantry military occupational specialties in a rifle squad of a cavalry platoon in a cavalry troop would be eligible for award of the Combat Infantryman Badge.

(3) 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 special forces military occupational specialties are not eligible, regardless of the circumstances.

4. Army Regulation 635-5 (Separation Documents), in effect at the time, prescribed the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214. The DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active duty service at the time of release from active duty, retirement, or discharge. The instructions for item 13 stated to list awards and decorations for all periods of service in the priority sequence specified in Army Regulation 600-8-22 (Military Awards). Each entry will be verified by the Soldier's records. Do not use abbreviations.

//NOTHING FOLLOWS//