

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 June 2024

DOCKET NUMBER: AR20230011781

APPLICANT REQUESTS: award of the Combat Infantryman Badge.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), covering the period ending 30 November 1991
- Title 32, CFR, Section 578.69

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 unit was awarded the Combat Infantryman Badge. He was in the Demilitarized Zone (DMZ) and was in 7 direct combat fire fights. He learned that his unit was awarded this badge and he would like to have it added to his DD Form 214.
3. The applicant enlisted in the Regular Army on 17 April 1981, and was awarded the Military Occupational Specialty (MOS) 11B (Infantryman).
4. The applicant's DA Form 2-1 (Personnel Qualification Record – Part II), from his period of Regular Army service shows:
  - a. Item 5 (Overseas Service) shows he served overseas in Korea for a period of 12 months from 8 August 1984 through 7 August 1985.
  - b. Item 6 (MOS) is blank.
  - c. Item 9 (Awards, Decorations, and Campaigns) does not reflect award of the Combat Infantryman Badge.

d. Item 35 (Record of Assignments) shows:

(1) He was assigned to B Company, 1st Battalion, 9th Infantry Regiment, 2nd Infantry Division, Korea, from 13 August 1984 through 7 August 1985, in duty MOS 11B, with a principal duty as Auto Rifleman.

(2) He attended Advanced Individual Training (AIT) at Fort McClellan, AL, from 4 February 1988 through 22 April 1988, after which his duty MOS was either 95B (Military Police) or duty unassigned.

5. U.S. Army Chemical and Military Police Centers and Fort McClellan orders 45-109, dated 8 March 1988 awarded the applicant the Primary MOS (PMOS) 95B and the Secondary MOS (SMOS) 11B effective 20 April 1988. No MOS was withdrawn.

6. The applicant's DA Form 2-1 shows he was assigned to Headquarters and Headquarters Company, 16th MP Brigade, Fort Bragg, NC, effective 2 July 1990 in duty MOS 95B.

7. The applicant's DD Form 214 shows he deployed to Southwest Asia from 28 August 1990 through 11 March 1991.

8. Headquarters, XVIII Airborne Corps and Fort Bragg, NC, Orders 195-22, dated 9 October 1991, voluntarily released the applicant from the U.S. Army Reserve (USAR) Control Group (Reinforcement) and reassigned him in the USAR to the 351st MP Company, effective 2 November 1991.

9. The applicant's DD Form 214 further shows:

a. He was honorably discharged from the Regular Army on 30 November 1991, due to expiration term of service. It does not reflect release from active duty and transfer to the USAR.

b. Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) shows, among his medals and badges awarded or authorized are the National Defense Service Medal, Southwest Asia Service Medal with Two Bronze Service Stars, Army Good Conduct Medal (2nd Award), and Expert Infantryman Badge.

c. Item 13 does not show award of the Combat Infantryman Badge, Korea Defense Service Medal, Kuwait Liberation Medal (Kuwait), or Kuwait Liberation Medal (Saudi Arabia).

10. The applicant's DA Form 2-1 from his period of USAR service shows:

a. Item 5 is blank.

b. Item 6 shows PMOS 95B and SMOS 11B.

c. Item 9 shows among his badges and medals awarded or authorized are the CIB and the Kuwait Liberation Medal.

d. Item 27 (Remarks) shows he served in an imminent danger zone in Southwest Asia from 28 August 1990 through 11 March 1991.

e. Item 35 shows Regular Army service from 17 April 1984 through 30 November 1991 and assignment to the USAR (Ready Reserve) from 1 December 1991 through 1 November 1994.

#### 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 served in Korea for 12 months from 8 August 1984 through 7 August 1985. In order to be awarded the Combat Infantryman Badge (CIB), there are three basic requirements that must be met: 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. The applicant in this case held an infantry MOS and was assigned to an infantry unit in Korea. However, there is no evidence in the record, and he provides none that shows he actively participated in ground combat, while assigned to an infantry unit during such time as the unit is engaged in active ground combat.

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:

Except for the correction 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 his DD Form 214 covering the period ending 30 November 1991, should be amended in item 13 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) by adding:

- Korea Defense Service Medal
- Kuwait Liberation Medal (Kuwait)
- Kuwait Liberation Medal (Saudi Arabia)

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) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. There are three basic requirements for award of the Combat Infantryman Badge. 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. Specific requirements state, in effect, that an Army enlisted Soldier must have an infantry or special forces specialty and must have satisfactorily performed duty while assigned or attached as a member of an infantry, ranger, or special forces unit of brigade, regimental, or smaller size during any period such unit was engaged in active ground combat. Eligibility for special forces personnel (less the special forces medical sergeant) accrues from 20 December 1989. Retroactive awards for special forces personnel are not authorized. 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.

b. The Combat Infantryman Badge is authorized for award during multiple qualifying wars, conflicts, and operations, the following being included among them:

- Korea on the Demilitarized Zone (DMZ) from 4 January 1969 to 31 March 1994
- Joint Security Area, Panmunjom, Korea, on 23 November 1984
- the Southwest Asia Conflict, from 17 January 1991 to 11 April 1991

c. The Korea Defense Service Medal is authorized for award to members of the Armed Forces of the United States who have served on active duty in support of the defense of the Republic of Korea. The period of eligibility is 28 July 1954 to a date to be determined by the Secretary of Defense.

d. The Kuwait Liberation Medal (Kuwait) awarded by the Government of Kuwait (KLM-K) was approved on 9 November 1995 and is awarded to members of the Armed Forces of the United States who participated in the Persian Gulf War between 2 August 1990 and 31 August 1993.

e. The Kuwait Liberation Medal (Saudi Arabia) awarded by the Kingdom of Saudi Arabia (KLM-SA) was approved on 3 January 1992 and is awarded to members of the Armed Forces of the United States who participated in the Persian Gulf War between 17 January 1991 and 28 February 1991.

//NOTHING FOLLOWS//