

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 May 2024

DOCKET NUMBER: AR20230011789

APPLICANT REQUESTS: Appearance before the Board via video/telephone, and award of the Combat Infantryman Badge.

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

- DD Form 149 (Application for Correction of Military Record)
- Award of the Shoulder Sleeve Insignia - Former Wartime Service documents (5 pages)
- Operation Provide Comfort Roster
- Award Orders and Citations (9)
- Department of Veterans Affairs Post-traumatic Stress Disorder (PTSD) application and Rating Decision (14 Pages)
- Post Service Medial Statement
- CIB Eligibility Fact Sheet

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 he believes he earned the medal, due to his military sacrifice and duty to the military alongside the 10th Special Forces (SF) for three (3) years (1989 - 1992). He believes he meets all the qualification mandated for a non-SF. He fought alongside his SF unit in Desert Storm, received the shoulder sleeve insignia - former wartime service, as well as other awards and certificate, showing his time working alongside the 10th SF doing Desert Storm.

3. On the applicant's DD Form 149, he indicates post-traumatic stress disorder (PTSD) and mental health issues as contributing and mitigating factors in the circumstances that resulted in his separation. However, the applicant has not provided any documentation to support a connection between his PTSD and entitlement to the CIB.

4. A review of the applicant's service record shows, with prior active duty and Reserve enlisted service, he enlisted in the Regular Army on 27 February 1980 and had continuous active duty until he retired on 29 February 1996, as a Staff Sergeant (SSG), E-6. He held the military occupational specialties (MOS) 11C (Indirect Fire Infantry), (20 years and 9 months) and 31F (Mobil Subscriber Equipment Network Switching System Operator), (2 years).

5. He completed the Special Forces training on 1 June 1989 with assignment to Company B, 10th Special Forces Group, 1st Special Forces in the MOS 11C.

6. Headquarters and Headquarters Company, 10th Special Forces Group (Airborne) Memorandum, dated 5 November 1991 shows the applicant was deployed during Operation Provide Comfort. He received a Letter of Appreciation, a Certificate of Achievement, and the Humanitarian Service Medal.

7. On 16 May 1991, the applicant received an Army Commendation Medal for meritorious service with the 10th Special Forces for the period 11 January 1991 to 15 March 1991 during Operation Desert Storm.

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

a. He served in:

- Korea, 7 December 1977 - 8 February 1978
- Germany, 3 October 1981 - 20 September 1984;
- Panama, 20 October 1986 - (891992)
- Turkey, 11 January 1991 - 15 March 1991
- Iraq, 12 April 1991 - 1 June 1991
- Panama, 14 January 1993 - 13 January 1996

b. He was awarded the:

- Meritorious Service Medal
- Army Commendation Medal (2nd award)
- Army Achievement Medal
- Humanitarian Service Medal with one bronze service star
- Army Good Conduct Medal (6th award)
- National Defense Service Medal (2nd award)

- Southwest Asia Service Ribbon
- Kuwait Liberation Medal
- Joint Meritorious Unit Award
- Army Service Ribbon
- Overseas Service Ribbon (3rd award)
- NCO Professional Development Ribbon with Numeral 2
- Expert Qualification Badge with Rifle, Hand Grenade, and Pistol bars

9. The applicant was honorable retired on 29 February 1996 with 20 years of active-duty service and 9 months of inactive service. The DD Form 214 shows he had continuous active service from 27 February 1980 until his retirement. His awards are listed as the;

- Meritorious Service Medal
- Army Commendation Medal (2nd award)
- Army Achievement Medal
- Humanitarian Service Medal with one bronze service star
- Army Good Conduct Medal (6th award)
- National Defense Service Medal (2nd award)
- Southwest Asia Service Ribbon
- Kuwait Liberation Medal
- Joint Meritorious Unit Award
- Army Service Ribbon
- Overseas Service Ribbon (3rd award)
- NCO Professional Development Ribbon with Numeral 2

10. The applicant requested a correction of his awards on 13 October 2021 (AR20210016309). This request included a request for the Korea Defense Service Medal and the CIB.

11. The ABCMR reviewed the file and in an administrative letter granted partial relief. In that letter the issue of award of the CIB was deferred and the applicant was advised that he need to first apply to the U.S. Army Human Resources Command (HRC). There is no evidence that the applicant applied to HRC and was denied.

12. A DD Form 215 (Correction to the DD Form 214) dated 11 July 2022, amended the applicant's awards by:

- a. Deleting the Army Commendation Medal (1st Oak Leaf Cluster) and the Overseas Service Ribbon (3); and

b. Adding the Army Commendation Medal (3rd Award), Korea Defense Service Medal, and the Overseas Service Ribbon with Numeral 4.

13. The applicant provided:

- a. Copies of several of his awards and citations.
- b. Copies of a post service medial statement, VA Rating Decision granting him a 50 percent disability evaluation for PTSD, and a private medical treatment statement.
- c. A CIB Eligibility Requirements printout.

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. One potential outcome was to grant relief awarding the combat infantryman badge based on the applicant's served as a 11C and was assigned to 10th SFG. However, upon review of the applicant's petition and available military records, the Board majority determined the applicant provided no evidence he applied to the U.S. Army Human Resources Command (HRC) for approval of his request for award of the combat infantryman badge. The Board agreed the applicant has not exhausted all his administrative remedies for the award. The Board noted the applicant's military occupational specialty and his assigned unit however, the applicant has not followed the required process of approval from HRC prior to coming before this Board. As such, the Board denied relief.

2. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

3. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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 correction addressed in Administrative Note(s) below, the Board found 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.



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 record shows his DD Form 214, for the period ending 29 February 1996 is missing entries that does not require Board action. As a result, amend the DD Form 214 by:

- a. deleting from item 13 (Decoration, Medals, Badges, Citations, and Campaign Ribbons) the Kuwait Liberation Medal and the Southwest Asia Service Medal.
- b. Adding the following entries to item 14, the
 - Southwest Asia Service Medal with one bronze service star

- Kuwait Liberation Medal-Saudi Arabia
- Kuwait Liberation Medal -Kuwait,
- Expert Qualification Badge with Rifle, Hand Grenade, and Pistol bars.

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) provides the following:

a. Service in the Persian Gulf War is to be recognized by award of the Southwest Asia Service Medal to Army members who participated in Operations Desert Shield/Desert Storm in the designated area on or after 2 August 1990. A bronze service star is authorized for the Defense of Saudi Arabia (2 August 1990 to 16 January 1991) and the Liberation and Defense of Kuwait (17 January to 11 April 1991), and the Cease-Fire Campaign (12 April 1991 to 30 November 1995);

b. the Kuwait Liberation Medal 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.

c. the Kuwait Liberation Medal 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.

d. Paragraph 8-6 sets forth the Army policy and procedures for award of the Combat Infantryman Badge. The specific requirements state that an Army enlisted Soldier must have an infantry or special forces specialty, 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.

//NOTHING FOLLOWS//