

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 August 2024

DOCKET NUMBER: AR20230013819

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

- Afghanistan Campaign Medal
- Global War on Terrorism Expeditionary Medal
- Combat Action Badge

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214

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 served in Afghanistan from 7 June 2011 to 3 June 2012 and should have been awarded the Afghanistan Campaign Medal. He also served in Kuwait from 19 October 2013 to 26 June 2014 and should have been awarded the Global War on Terrorism Expeditionary Medal. While in Afghanistan, he was present and actively engaging or being engaged by the enemy, and performing satisfactory in accordance with prescribed rules of engagement and should have been awarded the Combat Action Badge.

3. The applicant enlisted in the Regular Army on 1 June 2010 and held military occupational specialty (MOS) 91D, Power Generation Equipment Operator. He reenlisted in September 2012.

a. He served in Afghanistan from 7 June 2011 to 3 June 2012 in support of Operation Enduring Freedom assigned to assigned to 3rd Battalion, 16th Field Artillery, Combined Task Force Warhorse.

b. He served in Kuwait from 9 October 2013 to 26 June 2014, in support of Operation Enduring Freedom - Spartan Shield, assigned to 3rd Battalion, 16th Field Artillery.

c. He was honorably released from active duty on 15 January 2015 after completing 4 years, 7 months, and 15 days of active service, of which 1 year, 8 months and 5 days was foreign service. He was awarded or authorized:

- Army Commendation Medal, 3rd Award
- Army Achievement Medal
- NATO Medal
- Good Conduct Medal
- National Defense Service Medal
- Global War on Terrorism Service Medal
- Army Service Ribbon
- Overseas Service Ribbon
- Driver and Mechanic Badge with Driver Wheeled Clasp
- Driver and Mechanic Badge with Special Equipment Operator Clasp

4. The applicant's service records do not contain and the applicant did not provide orders awarding him the Combat Action Badge.

5. Records at the U.S. Army Human Resources Command do not show he was recommended for, applied for, or awarded the Combat Action Badge.

6. By regulation (AR 600-8-22):

a. Individuals authorized the Afghanistan Campaign Medal must have served in direct support of Operation Enduring Freedom from 11 September 2001 to 31 December 2014 and Operation Freedom's Sentinel from 1 January 2015 to 31 August 2021. The Area of Eligibility (AOE) encompasses all land area of the country of Afghanistan and all airspaces above the land. Approved campaigns include the Consolidation III (1 December 2009 to 30 June 2011) and Transition I (1 July 2011 to 31 December 2014) campaigns.

b. The Global War on Terrorism Expeditionary Medal (GWOTEM) is authorized to servicemembers who are deployed abroad for service in the GWOT on or after 11 September 2001 to a date to be determined. The GWOTEM is authorized for Operation Enduring Freedom, which encompasses sub-operations Juniper Shield, Octave Shield, and Spartan Shield; however, Kuwait is listed as an authorized location.

c. Requests for retroactive award of the CAB will not be entertained except where evidence of injustice is presented. Veterans and retirees may submit requests for

retroactive award of the CAB to Commanding General, U.S. Army Human Resources Command (AHRC-PDP-A), 1600 Spearhead Division Avenue, Fort Knox, KY 40122.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The evidence of record shows the applicant served in Afghanistan from 7 June 2011 to 3 June 2012, through two designated campaigns. The Board determined he met the criteria for award of the Afghanistan Campaign Medal with two bronze service stars.
2. Based on the applicant's aforementioned service in Afghanistan, he is authorized award of the Global War on Terrorism Expeditionary Medal.
3. As it relates to the applicant's request for award of the Combat Action Badge, the Board determined to be awarded the Combat Action Badge, the regulatory guidance requires a Soldier to be personally present and under hostile fire while performing satisfactorily in accordance with the prescribed rules of engagement in an area where hostile fire pay or imminent danger pay is authorized. A Soldier must also be executing an offensive or defensive act while participating in combat operations, engaging, or being engaged by the enemy. A Soldier must be performing their assigned duties associated with the unit's combat mission in an area where hostile fire pay or imminent danger pay is authorized. The Board noted the applicant's assertion he was present and actively engaged or being engaged by the enemy; however, were not convinced by a preponderance of the evidence the applicant met the criteria for the award.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 15 January 2015 to show award of the Afghanistan Campaign Medal with two bronze service stars and the Global War on Terrorism Expeditionary Medal.
2. The Board further determined that the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to award of the Combat Action Badge.

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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) provides for the following awards:

a. Paragraph 2–16. Afghanistan Campaign Medal: Individuals authorized the Afghanistan Campaign Medal must have served in direct support of Operation Enduring Freedom from 11 September 2001 to 31 December 2014 and Operation Freedom’s Sentinel from 1 January 2015 to 31 August 2021. The Area of Eligibility (AOE) encompasses all land area of the country of Afghanistan and all airspaces above the land. Approved campaigns include the Consolidation III (1 December 2009 to 30 June 2011) and Transition I (1 July 2011 to 31 December 2014) campaigns.

b. Paragraph 2–19. Global War on Terrorism Expeditionary Medal (GWOTEM) is authorized to servicemembers who are deployed abroad for service in the GWOT on or after 11 September 2001 to a date to be determined. The GWOTEM is only awarded once per named operation, regardless of the number of deployments and periods of service supporting that operation. Effective 9 February 2015 (retroactive to 11 September 2001), separate deployments and periods of service in support of different named operations are recognized by bronze service stars.

(1) The GWOTEM will not be awarded to Soldiers who are deployed or mobilized to an approved AOE for the purpose of staging operations with follow-on movement into an area authorized its own campaign medal.

(2) Award of the GWOTEM is limited to servicemembers deployed abroad in support of an approved operations in an approved AOE (see para 2–19g for a list of approved AOE’s). Operation Enduring Freedom encompasses sub-operations Juniper Shield, Octave Shield, and Spartan Shield.

c. Paragraph 8-8, The Combat Action Badge (CAB): The requirements for award of the CAB are branch and MOS immaterial. Assignment to a combat arms unit or a unit organized to conduct close or offensive combat operations or performing offensive combat operations is not required to qualify for the CAB. However, the CAB is not intended to recognize Soldiers who simply serve in a combat zone or imminent danger area. Battle participation credit alone is not sufficient. The unit must have engaged or been engaged by the enemy. Award of the CAB is not automatic and will not be awarded solely based on award of the PH. The specific eligibility requirements include:

(1) May be awarded to any Soldier.

(2) A Soldier must be personally present and under hostile fire while performing satisfactorily in accordance with the prescribed rules of engagement in an area where hostile fire pay or imminent danger pay is authorized. A Soldier must also be executing an offensive or defensive act while participating in combat operations, engaging, or being engaged by the enemy. A Soldier must be performing their assigned duties associated with the unit's combat mission in an area where hostile fire pay or imminent danger pay is authorized. The requirement for hostile fire pay or imminent danger pay does not apply to cases determined to be eligible under the conditions described in paragraph 3–8c.

(3) Soldier must not be assigned or attached to a unit that would qualify the Soldier for the CIB or CMB. For example, an infantryman (MOS 11B) assigned to Corps staff is eligible for award of the CAB. However, an infantryman assigned to an infantry BN is not eligible for award of the CAB.

//NOTHING FOLLOWS//