

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 August 2024

DOCKET NUMBER: AR20240000773

APPLICANT REQUESTS: award of the Combat Medical Badge (CMB)

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

- DD Form 149 (Application for Correction of Military Record)
- Orders GF-166-0037 Temporary Change of Station (TCS) Orders
- DA Form 2823 (Sworn Statement), Sergeant (SGT) T- D. H-
- DA Form 2823, Sergeant First Class (SFC) M- F. E-
- CMB Narrative with Diagram
- Enlisted Record Brief (ERB)
- Memorandum Request for Award of the CMB
- Soldier Talent Profile

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:

a. In 2015, he submitted for award of the CMB (retroactive request) through his chain of command for medical action that occurred in October 2011 as part of Operation Enduring Freedom (OEF). It was returned as not meeting the criteria. He asks the Board to please reconsider.

b. During that year long deployment, he spent over 100 days of an eleven month deployment with the infantry at remote observation post (OP) Twins taking contact daily and treating injuries as necessary. He included his original narrative, the sworn statement of the Soldier he treated, and the sworn statement of his Infantry Platoon Sergeant, at the time.

c. His immediate medical chain of command at Combat Outpost (COP) Zerok had intended to submit the award recommendation, at the time (2011), but failed to do so given mental issues. He's tried to locate the individual but he is no longer in the Active Army. His Infantry Platoon Sergeant recommended, in 2013, that he submit for the original correction and he did so while he was in Korea.

d. He feels he satisfies the requirement of care rendered, while under fire. He was not comfortable requesting it, while deployed since five months after the incident, he treated a fatality of another Soldier at the same location from an AT4 malfunction. His original medical team leader failed to submit it during deployment despite his intention to do so.

3. The applicant provides the following documents:

a. Orders GF-166-0037, published by U.S. Army Garrison Grafenwoehr, 15 June 2011 deployed him in a TCS in support of OEF with a proceed date of on or about 13 July 2011 not to exceed 365 days.

b. Sworn Statement from SGT T- D. H-, 1 May 2015, states on 16 October 2011, at OP Twins approximately 10 kilometers (km) from Zerok in Paktika Province, Afghanistan, the SGT was pulling toward guard in the south eastern tower. The tower was about 20 km from the MK 19 Tower and attached bunker. Around 1310 they received numerous rounds of indirect fire. The SGT does not recall how many rounds they received. The last round impacted the south eastern most corner of his guard tower. No more than one and a half feet from where he was standing. The impact of his tower obliterated numerous sand bags and shrouded his guard tower in a cloud of dust. After the initial shock of the impact, the SGT stepped out of the tower and was greeted by the applicant who asked if he was alright and took him to medical where he did a thorough examination and administered a Military Acute Concussion Evaluation (MACE), which the applicant told the SGT he passed. The SGT was told to go rest afterwards as he was pretty shaken up about what happened. Approximately one hour after the SGT was readministered the MACE test. He passed again.

c. Sworn Statement from SFC M- F. E-, 28 June 2015, states on 16 October 2011 he and his platoon were at OP Twins. The SFC was in the command bunker when they received several rounds of indirect fire. Immediately after the second round, he heard specialist (SPC) J- scream that SGT H- was hit. The SFC ran over and witnessed the applicant go over to render aid to SGT H-. When the SFC got there the applicant was escorting SGT H- to medical. He witnessed the applicant do several checks to include the MACE test. The SFC left the applicant and the SGT because they were in the middle of coordinating fires on the attackers. The applicant reported to the SFC that the SGT was shook up but showed no symptoms of any injury. After the second MACE test, the SFC put the SGT back in the tower and the applicant continued to check on him

throughout the day. The applicant rendered aid during incoming and outgoing direct and indirect mortar fire.

d. Narrative for award of the CMB states:

(1) On 16 October 2011, the applicant was in the middle of pulling a week-long rotation at OP Twins, performing medical coverage for 1st Platoon, Bravo Company, 2-28, 172nd Separate Infantry Brigade. OP Twins was situated 10 km from COP Zerok in Paktika Province, Afghanistan.

(2) Earlier that day, the platoon had intercepted and translated a transmission that stated enemy forces intended to fire multiple mortars and rockets at the OP. This was routine and often a daily occurrence at this OP: 1) a transmission would be intercepted and translated, which verified the enemy was ascending an adjacent mountain and carrying indirect fire rounds and 2) sometime later in the day multiple indirect rounds would be fired upon the OP. On 16 October 2011, 1st Platoon was ready for just such an imminent attack.

(3) At 1300 the first "audible" was heard on the OP. This signified an incoming direct round. The entire platoon echoed that word to encourage everybody to take cover. Over the next few minutes, four to five, mortar rounds impacted within 50 to 100 meters of the OP. During this barrage, SGT T- H- was bunkered in the south tower located adjacent to the helicopter landing zone. Meanwhile, the applicant was bunkered in the MK19 tower 20 meters away. The platoon sergeant was bunkered with his command team in the OP Twins Tactical Operations Center 20 meters away.

(4) An additional mortar round impacted directly into the side of the south tower that SGT H- occupied, and impacted one meter away from him destroying one entire wall.

(5) SPC J- called out to SGT H- to ensure he was still alive. Meanwhile, the applicant left the MK 19 tower and ran to meet SGT H- as he was exiting the south tower. The applicant visually and verbally assessed SGT H- and quickly realized there were no immediate life-threatening injuries. SGT H- was rattled, while the applicant quickly escorted him to medical 10 meters away to further assess his condition. SPC J- was instructed to inform SFC E- that SGT H-'s tower had been hit and the applicant was assessing the casualty at medical.

(6) At medical, the applicant performed a whole head-to-toe visual inspection on SGT H- and quickly concluded there was no bleeding. He then continued with a mental test for concussion, using MACE. SGT H- passed the initial MACE exam and was instructed to relax in another bunker on the OP. The rocket attacks stopped once the

platoon had recognized the point of origin of the attack and fired back. Air support was subsequently called in and the attack ended.

(7) One hour after the attack, the applicant performed an additional MACE test on SGT H- who passed the test again. The applicant informed SFC E- and SFC E- consequently instructed the applicant to place SGT H- back into the south tower so he could continue with his tower guard shift. The narrative includes a diagram of the OP.

e. Memorandum from U.S. Army Human Resources Command Request for Award of CMB, 22 February 2016 states the request for award of the CMB for service performed in support of OEF was disapproved. Under the provisions of Army Regulation (AR) 600-8-22 (Military Awards), paragraph 8-7, 25 June 2015, the applicant did not meet the criteria for award of the CMB as he was not performing medical duties, while under fire. If he believed the determination to be unjust, he had the right to appeal to the Board.

4. A review of the applicant's service records show:

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows he enlisted in the Regular Army on 19 January 2010.

b. ERB, 25 November 2022, shows he was in Afghanistan from 9 July 2011 to 15 June 2012. His primary military occupational specialty is 68W (Combat Medic Specialist). It does not include award of the CMB.

c. The Army Commendation Medal (ARCOM) Certificate shows he was awarded the ARCOM by permanent order number 13-011, 13 January 2012, for exceptionally meritorious service while serving as a medic with Task Force Black Lions in support of OEF from 15 July 2011 through 16 June 2012.

d. The NATO Medal Certificate show he was awarded the NATO medal for service with NATO in relation to International Security Assistance Force Operation from 1 August 2011 through 31 July 2012.

e. General Orders 2013-36, published by Headquarters, Department of the Army, 13 September 2013 shows his unit was awarded the Valorous Unit Award for extraordinary heroism while engaged in military operations.

f. Permanent Order 092-04, published by Headquarters, U. S. Army Medical Research and Material Command, 2 April 2014, shows he was awarded the Expert Field Medical Badge for meritorious achievement from 28 March 2014 to 2 April 2014.

g. The applicant remains on active duty.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that 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 currently holds military occupational specialty 68W (Combat Medical Specialist). The applicant has twice served in Afghanistan from 8 July 2011 to 16 August 2012 and from 18 February 2017 to 20 August 2018. The Board was convinced that more likely than not on 16 October 2011, while deployed to Afghanistan, as depicted in the sworn statements provided by two other Soldiers, the applicant rendered an evaluation on Specialist TDH after indirect fire hit their tower. The Board determined this satisfied the criteria and intent of award of the Combat Medical Badge and granted relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by awarding the applicant the Combat Medical 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) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. The Combat Medical Badge is awarded to medical department personnel (colonel and below) who are assigned or attached to a medical unit of company or smaller size that is organic to an infantry unit of brigade, regimental or smaller size which is engaged in active ground combat. Battle participation credit is not sufficient; the infantry unit must have been in contact with the enemy and the Soldier must have been personally present and under fire during such ground combat. The Combat Medical Badge is authorized for award for the following qualifying wars, conflicts, and operations:

- World War II (7 December 1941 to 3 September 1945)
- The Korean War (27 June 1950 to 27 July 1953)
- Republic of Vietnam Conflict (2 March 1961 to 28 March 1973), combined with qualifying service in Laos (19 April 1961 to 6 October 1962)
- Dominican Republic (28 April 1965 to 1 September 1966)
- Korea on the demilitarized zone (DMZ) (4 January 1969 to 31 March 1994)
- El Salvador (1 January 1981 to 1 February 1992)
- Grenada (23 October to 21 November 1983)
- Joint Security Area, Panmunjom, Korea (23 November 1984)
- Panama (20 December 1989 to 31 January 1990)
- Southwest Asia Conflict (17 January to 11 April 1991)
- Somalia (5 June 1992 to 31 March 1994)
- Afghanistan (Operation Enduring Freedom, 5 December 2001 to a date to be determined)
- Iraq (Operation Iraqi Freedom, 19 March 2003 to a date to be determined)

//NOTHING FOLLOWS//