

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 October 2024

DOCKET NUMBER: AR20240001595

APPLICANT REQUESTS:

- correction to his DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 31 August 2007 to show he was awarded the Combat Infantryman Badge
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Spouse Statement
- Army Achievement Medal Certificate, dated 21 October 1989
- Korea Demilitarized Zone (DMZ) Newspaper Article
- Korea DMZ Pass and Photograph
- Witness Statements
- Medical Record
- Veterans of Foreign Wars (VFW) Membership Card
- The U.S. Army Human Resources Command (HRC) Response Letter, dated 14 July 2021
- HRC Response Letter, dated 26 December 2023

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. He should have been awarded the Combat Infantryman Badge with a combat patch for combat operations in the Korean DMZ from 1988-1989 during the qualifying period as an infantryman. He requested this through HRC but was denied. He was

involved in combat operations just as any other Soldier deployed. However, Korea DMZ Veterans are denied equal recognition.

b. He completed two DMZ missions: the first from October 1988 to December 1988, and the second in October of 1989. During the first mission, he was at Warrior Base for a day or two, and a landmine exploded not far from him. He felt the force of the explosion on the ground and inside his body, the explosion was on his left side which caused a constant tinnitus in his left ear. When the explosion happened, he froze and then blacked out for split second, and when he came to, he was in a stance as if holding a weapon. In that moment, a Soldier walked towards him and said "the North Koreans are sending dogs through mine fields to clear the mine fields." That explosion has cause serios PTSD for over thirty-three years; however, the last fourteen years have been the worst.

c. While doing combat patrol ambushes and recon patrols, he found North Korean leaflets showing beheaded American Soldiers, American Soldiers slumped over on a bayonet and other propaganda; furthermore, the North Koreans had loudspeakers with voices saying, "we will kill you" and "come to North Korea for women, money, and wine" and many other epitaphs. While on a night patrol, the Korean translator turned specialist (SPC) B- and said, "They want you." The North Koreans knew the unit had one black Soldier in the squad and would announce that along with the location over the loudspeaker. Because of that, the mission was aborted, and they had to return to Warrior Base as there was a North Korean spy in the battalion tactical operations center spying on their patrols.

d. Some of his patrols ended up lost in mine fields as well. He realized after the mine explosion, an aborted mission, getting lost in a mine field picking up threatening leaflets, that the DMZ is a combat zone. On another night patrol, there was a firefight between the North Koreans and another American patrol. His squad leader (staff sergeant (SSG) J-) stopped their mission and said, "they are shooting all around us." They headed towards the fight, and he remembers stopping to take a position, and saw two North Koreans run from tree to tree not far from where he was. He aimed at one of them, and then said a prayer, "God if you will get me out of this, I will not harm another person," then he took his shot, but the weapon did not fire, and the North Koreans went on. He never told his squad that he took the shot, because he feared he would be sent to Fort Leavenworth (prison).

e. After that, the mission changed again, and he headed to an Army truck with his squad, loaded up, and drove to a set of gates, were the gate guard said, "lock and load boys you are going to war." SPC B- drove frantically to the drop off point without any headlights on. He stopped abruptly, and everyone jumped of and ran into defensive fighting positions. The applicant noticed the entire DMZ mountainous range lit up with red lights moving all over the place at a high speed. Those were the lights of North

Koreans moving towards the fire fights. This kept him alert at all times and watching his back. His squad stayed in their defensive position for a while until the North and South stopped exchanging fire. When they arrived back to Warrior Base, they were told one North Korean was killed, one wounded, and one tried to carry the KIA back to the north. All of this was seen on night vision goggles according to the squad leader. SSG J- informed the squad that the Soldiers in the fire fight were removed from the DMZ for fear of their lives due to the spy in the battalion. He also said, "If you want to leave Korea, get into fire fight." The applicant did twenty or more day and night patrols which created an "on patrol" mindset.

f. While on the DMZ, there were constant engagements with the North and the South Koreans and occasionally an American patrol. After the patrol mission, they moved the guard post (GP) phase at GP Oulette, which is the farthest northern guard post. He occupied bunker number 9 with a squad automatic weapon. Many times, the North Koreans would recon the unit positions, and then turn the claymore minds around so the blasts would face them. There were many infiltrations by the North Koreans in which the squad leader came running through the bunkers yelling "their coming their coming!" and then the North Koreans would retreat. These infiltrations happened many times further continuing his need to remain alert at all times. One night, he had to guard the entrance gate, and could hear the sounds of dry leaves cracking. Luckily, private first class (PFC) M- showed up, and after he asked him "what are you doing?" and PFC M- replied "I am helping you stay safe tonight!" On a few nights there were gun shots, which the North Koreans killed two South Koreans in the guard posts adjacent to them at GP Oulette. On several mornings after stand-to, he went on patrol outside the gate of the guard post to look for sign of infiltrations, they found a spot in the sand where a North Korean low crawled up to the guard post. That was probably one of the nights we spent most of the night in our bunkers. This too kept him concerned and on a high alert status.

g. He is currently in counseling with a psychologist from the Leavenworth Veteran Affairs, Dr. S-P-, and she is providing coping mechanisms and advice. From what he was told, he suffered from the landmine explosion and being on patrols. She further told him that his brain reacts to unknown loud sounds due to the landmine, and his "on patrol" in from the firefight, infiltrations, and engagements. Being "on patrol" is exceptionally bad when he is in a place that he is not familiar with, and at times even with places he knows well. When he retired from the Army in 2007, he told the doctors about his PTSD at that time, but they asked for records of the mine explosion, the firefights, and the other engagements. He told the doctor nothing was recorded and was told many times "Never happened boys never happened."

3. The applicant provides the following:

a. Spouse Statement wherein she states, in pertinent part, she and the applicant

were married on 1 June 1988, prior to his deployment to Korea in October of 1988. During that deployment he faced many life-threatening situations causing him to suffer from post-traumatic stress disorder (PTSD) with symptoms ranging from anxiety, flashbacks, and nightmares. While he managed the symptoms, the severity has worsened over the years causing conflict in his ability to work, participate in social gatherings, and drive a vehicle. He is currently being treated for PTSD and will need to continue going forward as being left untreated can cause the symptoms to worsen.

b. Army Achievement Medal Certificate, dated 21 October 1989 awarded for exceptionally meritorious service while performing as an M-203 Gunner and Radio Telephone Operator with Company B, 1st Battalion 503rd Infantry Regiment from 28 October 1988 to 23 October 1989 during the Battalion's demilitarized zone mission.

c. Korea Demilitarized Zone (DMZ) Newspaper Article from his hometown showcasing his service while assigned in the Korea DMZ.

d. Korea DMZ pass showing his authorization for passage through the Korea DMZ and a photograph of the Guard Post for 1st Battalion, 503rd Infantry Regiment in the Korea DMZ.

e. Witness Statements from the unit commander and fellow Soldiers at the time of service providing their account of contact with enemy forces while stationed in the Korea DMZ in 1989:

- Brigadier General (Retired) J-L
- J-T-
- U.S. Army Retired M-H-
- U.S. Army Retired R-E-
- U.S. Army Retired R-Ed-

f. A medical record showing he was previously diagnosed with PTSD and continues treatment.

g. Veterans of Foreign Wars (VFW) Membership Card as unspecified supporting evidence in his request for the award of the Combat Infantryman Badge.

h. A letter from HRC, dated 14 July 2021 wherein the Awards and Decorations Branch notified the applicant his request for award of the Combat Infantryman Badge was denied. HRC was unable to verify his entitlement to the Combat Infantryman Badge. Although he held a qualifying military occupational specialty (MOS) and served in Korea during a qualifying time period additional documentation was not available to determine satisfactory performance of Infantry duties in active ground combat on a

specific date. A written explanation was required as to why the chain of command did not approve an award of the CIB at the time.

i. A letter of response from HRC, dated 26 December 2023 wherein the Chief, Awards and Decorations Branch notified the applicant they remain unable to verify his entitlement to the Combat Infantryman Badge. The office has not received the required documentation outlined in their correspondence and recommended appealing to the ABCMR.

4. A review of the applicant's service record shows:

a. On 11 August 1987, he enlisted into the Regular Army and continued service through reenlistments.

b. On 6 November 1987, he graduated and was awarded a diploma from the United States Army Infantry Training Center.

c. The Enlisted Record Brief, dated 16 May 2007 shows in Section I (Assignment Information), Overseas Deployment Combat Duty, service in Korea from 25 October 1988 to 24 October 1989.

d. On 24 October 2007, Headquarters, I Corps and Fort Lewis issued Orders Number 297-0036 for honorable release from active duty and retirement effective 31 August 2007 with 20 years and 20 days of service.

e. DD Form 214, ending 31 August 2007 reflects honorable retirement.

(1) Item 11 (primary Specialty) shows: 11B Infantryman – 11 years and 1 month, 42L Administrative Specialist – 9 years and 3 months; and 79R Recruiter – 7 years and 4 months

(2) Item 12 (Record of Service) shows service from 11 August 1987 to 31 August 2007 for a net active service this period of 20 years and 20 days.

(3) Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) shows:

- Meritorious Service Medal
- Army Commendation Medal (5th Award)
- Army Achievement Medal (3rd Award)
- Army Good Conduct Award (6th Award)
- National Defense Service Medal (2nd Award)
- Global War on Terrorism Service Medal

- Korea Defense Service Medal
- Non-Commissioned Officer Professional Development Ribbon (3rd Award)
- Army Service Ribbon
- Overseas Service Ribbon (2nd Award)
- Driver and Mechanic Badge – Mechanic
- Parachutist Badge
- Air Assault Badge
- German Army Marksmanship Badge Bronze
- U.S. Army Recruiter Badge

f. DD Form 215 (Correction to DD Form 214 Certificate of Release or Discharge from Active Duty), dated 20 June 2008 shows correction to Item 13 to add the Meritorious Service Medal 1st Oak Leaf Cluster.

5. By regulation (AR 15-185), an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

6. By regulation (AR 600-8-22) provides that the Combat Infantryman Badge (CIB) is awarded to infantry officers and to enlisted and warrant officer personnel who have served an infantry MOS. They must have served in active ground combat while assigned or attached to an infantry unit of brigade, regimental, or smaller size.

BOARD DISCUSSION:

1. The Board determined 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.

2. 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 contends he should have been awarded the Combat Infantryman Badge with a combat patch for combat operations in the Korean DMZ from 1988-1989 during the qualifying period as an infantryman. He served with Company B, 1st Battalion 503rd Infantry Regiment from 28 October 1988 to 23 October 1989 during the Battalion's demilitarized zone mission. Although the evidence shows the applicant held a qualifying MOS and was assigned to an infantry unit, and he also served in Korea during a qualifying time period; however, there are no documents in his service record of the qualifying incident where he was personally present while his infantry unit was engaged

with the enemy in active ground combat on a specific date. The Board found insufficient evidence to grant the Combat Infantryman Badge.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

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.

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 (ABCMR) 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, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. Army Regulation 600-8-22 (Military Awards) provides that the Combat Infantryman Badge (CIB) is awarded to infantry officers and to enlisted and warrant officer personnel who have served an infantry MOS. They must have served in active ground combat while assigned or attached to an infantry unit of brigade, regimental, or smaller size. In Korea on the demilitarized zone (PL 108 – 375), the special requirements for award of the CIB for service in the Republic of Korea are rescinded. Army veterans and Servicemembers who served in Korea on or after 28 July 1953 and meet the criteria for award of the CIB outlined in paragraph 8–6c may submit requests for award of the CIB to Commanding General, U.S. Army Human Resources Command (AHRC – PDP – A), 1600 Spearhead Division Avenue, Fort Knox, KY 40122 – 5408. Retroactive awards under these criteria are not authorized for service prior to 29 July 1953.

//NOTHING FOLLOWS//