

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 October 2024

DOCKET NUMBER: AR20240002057

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

- held the rank/pay grade of sergeant (SGT)/E-5 at the time of his release from active duty
- any back pay and allowances to which he is entitled as a result of this correction
- was awarded the Combat Medical Badge

APPLICANT'S SUPPORTING DOCUMENT CONSIDERED BY THE BOARD:  
DD Form 149 (Application for Correction of Military Record)

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 while he was deployed he was awarded to Combat Medical Badge for his work during a rocket attack on 24 April 2004, and he was promoted to SGT/E-5 in December 2004. However, neither the Combat Medical nor the rank/pay grade of SGT/E-5 are reflected on his DD Form 214. He earned them both and would like his records to reflect that.
3. On 29 July 1998, the applicant enlisted in the Arkansas Army National Guard (ARARNG) for a period of 8 years in the rank/grade of private (PV2)/E-2.
4. Orders show the applicant was awarded military occupational specialty (MOS) 91B (Medical Specialist) effective 7 June 1999.
5. The applicant's Enlisted Record Brief (ERB) shows he was promoted to the rank/grade of specialist (SPC)/E-4 on 29 September 2000.

6. Orders show the applicant was awarded MOS 91W (Health Care Specialist) and his MOS of 91B was withdrawn effective 1 May 2002.

7. Orders show the applicant was ordered to active duty as a member of his Reserve Component unit in support of Operation Iraqi Freedom for a period not to exceed 730 days with a reporting date of 12 October 2003.

8. Orders 351-02 issued by Headquarters, 39th Support Battalion, Camp Taji, Iraq on 16 December 2004 show the applicant was promoted to SGT/E-5 with an effective date and date of rank of 16 December 2004. The "Additional instructions" portion of these orders stated the promotion was not valid and would not be effective if the applicant was not in a promotable status on the effective date of promotion. It further stated this was a conditional promotion. The applicant must enroll in the required Noncommissioned Officer Education System (NCOES) [course] within 12 months after being demobilized. He would be given first priority for available NCOES course quotas upon return from active duty. Soldiers who failed to enroll and complete the required NCOES within the time frame specified would be reduced to their previous grade.

9. U.S. Army Human Resources Command, Alexandria, VA, memorandum, Subject: Request for Extension on Active Duty, dated 31 March 2005, shows the applicant was one of six Soldiers for whom an extension on active duty for the purpose of expending accrued leave was requested. His rank is shown as SPC on this memorandum.

10. He was released from active duty upon completion of required active service on 16 April 2005. His DD Form 214 shows in:

a. Blocks 4a (Grade, Rate, Rank), 4b (Pay Grade), and 12h (Effective Date of Pay Grade) that he held the rank/pay grade of SPC/E-4 with a promotion effective date of 29 September 2000 at the time of his release.

b. Block 11 (Primary Specialty) his MOS was 91W.

c. Block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized (All periods of service)) he was awarded or authorized the:

- National Defense Service Medal
- Army Service Ribbon
- Armed Forces Reserve Medal with M [Mobilization] Device
- Global War on Terrorism Service Medal
- Global War on Terrorism Expeditionary Medal

d. 14 (Military Education) the entry "None."

e. Block 18 (Remarks) he served in Southwest Asia from 20 March 2004 to 23 February 2005.

11. Orders show the applicant was transferred to another Reserve Component unit when his unit was demobilized from active duty effective 23 May 2005. His rank is shown as SPC on these orders.

12. Orders and the applicant's National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service) show the applicant was honorably discharged from the ARARNG and as a Reserve of the Army on 21 November 2005. His NGB Form 22 shows in:

a. Blocks 5a (Rank) and 5b (Pay Grade) he held the rank/pay grade of SPC/E-4 at the time of his discharge.

b. Block 12 (Military Education) he completed the 10-week Medical Specialist Course in June 1999.

c. Block 13 (Primary Specialty Number, Title and Date Awarded) he was awarded MOS 91W on 7 June 1999.

d. Block 15 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded This Period) he was awarded or authorized the:

- Army Service Ribbon
- Combat Infantryman Badge
- Combat Medical Badge
- Armed Forces Reserve Medal with M [Mobilization] Device
- Global War on Terrorism Service Medal
- Global War on Terrorism Expeditionary Medal

13. The applicant's ERB, dated 19 December 2005, shows in:

- Section I (Assignment Information) his MOS was 91W
- Section III (Service Data) his rank was SPC with a date of rank of 29 September 2000
- Section IV (Military Education) "None."
- Section IX (Current Assignment Data) his duty MOS was 91W
- Section XI (Awards) "Combat Medical Badge"

14. The applicant's record is void and he did not provide:

- a. Documentation that shows he successfully completed the requisite NCOES course within the time prescribed in order to be permanently promoted to SGT/E-5.
- b. Orders which show he was awarded an infantry MOS, the Combat Medical Badge, or the Combat Infantryman Badge.
- c. Documentation that shows he held an infantry or special forces MOS and 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.

15. Although there are no orders to support award of the Combat Medical Badge or Combat Infantryman Badge and including them on his DD Form 214 as they are reflected on his NGB Form 22, it is the policy of this Board to not disadvantage an applicant by making the situation any worse off for having applied for correction to their record. Therefore, the Board will make no recommendation to have either badge removed from his NGB Form 22.

#### BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, 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 review based on law, policy, and regulation. Upon review of the applicant's petition and available military records, the Board determined his record is absent evidence that shows he was promoted to sergeant (SGT)/E-5 prior to his release from active duty on 16 April 2005. The evidence of record shows he was conditionally promoted to SGT/E-5 on 16 December 2004; however, he did not complete the required education within the appropriate timeframe to maintain the promotion. The Board concluded the applicant was properly released in the rank/grade of specialist (SPC)/E-4 and therefore not entitled to any back pay as no correction is warranted.

2. The evidence of record shows the applicant held military occupational specialty (MOS) 91W (Health Care Specialist) and served in Iraq from 20 March 2004 to 23 February 2005; assigned to Headquarters and Headquarters Company, 1st Battalion, 153rd Infantry Battalion. The Combat Medical Badge is authorized for several qualifying wars, conflicts, and operations, including Iraq. In order to be awarded the Combat Medical Badge, the member, with a qualifying medical specialty, must be assigned or attached by appropriate orders to an infantry unit of either a brigade, regiment, or smaller size, or to a medical unit of company or smaller size, organic to an infantry unit of brigade or smaller size, during any period the infantry unit is engaged in actual ground combat. The member must satisfactorily perform medical duties during

any period the unit is engaged in active ground combat, provided the member is personally present and under fire. Based on the absence of evidence he satisfactorily performed medical duties during a unit's engagement in active ground combat, the Board found insufficient evidence the applicant met the criteria for award of the Combat Medical Badge or evidence he was awarded the Combat Medical 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.

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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 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The regulation provides that the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. It is not an investigative body.
  
3. Army Regulation 635-5 (Separation Documents) at the time established the standardized policy for preparing and distributing the DD Form 214. It stated the purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. Item 3 provided for the entry of the active-duty grade or rank and pay grade at time of separation. It is important that information entered on the form be complete and accurate, reflective of the conditions as they existed at the time of separation.
  
4. Army Regulation 600-8-22 (Military Awards) states 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.
  
5. Army Regulation 600-8-22, as amended by Military Personnel Message 08-190, states the Combat Infantryman Badge may be awarded to an infantryman satisfactorily performing infantry duties, assigned to an infantry unit during such time as the unit is engaged in active ground combat, and actively participating in such ground combat. Specific requirements state, in effect, that an Army Soldier must have an infantry or special forces specialty/military occupational 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. A Soldier 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, to close with and destroy the enemy with direct fires.

//NOTHING FOLLOWS//