

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 December 2024

DOCKET NUMBER: AR20240002123

APPLICANT REQUESTS: award of the Combat Infantryman Badge.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored letter, 7 July 2023
- Military Acute Concussion Evaluation (MACE), 17 November 2011
- Standard Form 600 (Health Record), 17 November 2011
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- DD Form 215 (Correction to DD Form 214)
- Two witness statements
- DA Form 2823 (Sworn Statement), 17 March 2022
- U.S. Army Human Resources Command Letter, 24 January 2024

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 in effect:

a. He was assigned to C Company 1st Battalion, 116th Infantry, in Iraq in support of Operation New Dawn. During his deployment his vehicle was hit by an improvised explosive device (IED). Specialist (SPC) [REDACTED] was the truck driver, Staff Sergeant (SSG) [REDACTED] was the Truck Commander, SPC [REDACTED] was the gunner, and he was in the back of the truck as the gyro cam operator. They had a large convoy of truck commodities and six-gun trucks. The IED was between 30 and 50 meters to the rear of their vehicle on the passenger side. The blast caused significant damage to the commodity truck directly behind their vehicle.

b. Their gun truck was still operable. SSG [REDACTED] called in a contact report and they initiated their battle drill. They pushed out of the kill zone, established security, cordoned the area, and awaited the arrival of the nearest explosive ordnance disposal (EOD) asset. They maintained a security posture on site for nearly two hours until they were notified that EOD assets were not available due to the draw-down of personnel in the theater at the time. They consolidated all trucks and personnel and continued their mission to Victory Base Camp with no further incidents.

c. Upon arrival at Victory Base Camp, SSG [REDACTED] escorted all personnel from the impacted gun truck to the troop medical center. They received MACE testing for concussions and traumatic brain injuries. He was diagnosed as suffering from amnesia. He was cleared for duty and resumed missions the following day.

d. The Soldiers were told they would be recommended for award of the Combat Infantryman Badge but that never happened. The Soldiers requested the Combat Infantryman Badge, with the endorsement of their commander, and approval recommendations from the Battalion Commander, Brigade Commander, and Division Commander.

e. The letter from the Human Resources Command stated that he did not meet the criteria for a Combat Infantryman Badge. However, Sergeant First Class (SFC) [REDACTED] submitted the same information for the same event in the same truck and was approved for the award.

f. Per Army Regulation (AR) 600-8-22 (Military Awards), he meets the criteria for the Combat Infantryman Badge. He has been an 11B (Infantryman) since his graduation from one station unit training in 2009. He was assigned to C Company, 1st Battalion, 116th Infantry, operationally controlled by the 2nd Squadron, 183rd Cavalry Regiment. Active ground combat took place. They were in the middle of the convoy, so it is impossible for this to be a victim operated IED. This means the enemy was nearby and watching their position. The enemy initiated this device which put them under hostile fire. Upon contact, they made tactical maneuver on ground to respond to and counter any secondary enemy actions. They conducted vehicle recovery and moved into security operations around the blast site.

g. AR 600-8-22 does not state for qualification of the Combat Infantryman Badge that they must fire their weapons or cause enemy casualties. As a gyro-cam operator and vehicle dismount, he was a very active participant. He has met all regulatory requirements for this award and has submitted documents to validate his claims including medical documentation from the medical center after the blast, sworn statements from other members of the convoy, an endorsement memorandum from his commander at the time of the incident, along with orders and a DD214 showing his presence in the country.

3. The applicant provides:

a. A MACE report completed on 17 November 2011, that shows the applicant experienced amnesia and was unable to recall incidents before and after the incident.

b. A Standard Form 600 shows the [applicant] has no symptoms and the blast was 40-50 meters away.

c. A DD Form 215 (Correction to DD Form 214) issued to [REDACTED] that shows in item 18 (Remarks), add Combat Infantryman Badge.

d. A witness statement issued by SSG [REDACTED] 25 May 2022, that shows on 17 November 2011, during a convoy, an IED detonated to the rear of their gun truck. One of the trucks sustained damage.

e. A witness statement, issued by his former Commander of C Company 1st Battalion, 116th Infantry, Task Force 2nd Battalion, 183rd Infantry Regiment, Lieutenant Colonel [REDACTED] 12 August 2022, that shows during the deployment to Iraq he certifies that the applicant and three other Soldiers were involved in a IED attack on 17 November 2011. The incident was during their final draw down and as a result their higher headquarters did not process an award packet for a Combat Infantryman Badge.

f. A letter issued by U.S. Army Human Resources Command, 24 January 2024, that shows the applicant's request for Combat Infantryman Badge for service performed in support of Operation New Dawn was disapproved. In accordance with AR 600-8-22, paragraph 8-6b (1), a Soldier must be personally present and under fire while serving in an assigned infantry unit, engaged in active ground combat. The provided narrative and eyewitness statements do not indicate that [applicant] was engaged in active ground combat with the enemy; while they acknowledge his unit was engaged by an IED this alone does not meet the strict criteria for award of the Combat Infantryman Badge.

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

a. The applicant enlisted in the VA Army National Guard on 12 September 2008.

b. On 1 June 2011, he was placed on an active-duty status.

c. He was honorably released from active duty on 24 December 2011. He completed 6 months of active service. His DD Form 214 shows:

- He was awarded the military occupational specialty 11B (Infantryman)
- Service in Kuwait/Iraq from 30 July 2011 to 27 November 2011
- His DD Form 214 does not show award of the Combat Infantryman Badge

d. There are no Special Orders in his service record that show he was awarded the Combat Infantryman Badge.

5. By regulation, for award of the Combat Infantryman Badge, a Soldier must meet the following three requirements:

- be an infantryman satisfactorily performing infantry duties
- be assigned to an infantry unit during such time as the unit is engaged in active ground combat
- actively participate in such ground combat

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, a majority of the Board found relief is not warranted.

2. A majority of the Board concurred with the conclusion of the Chief, Awards and Decorations Branch, U.S. Army Human Resources Command, that while it is clear the applicant's unit was engaged by an IED, there is insufficient evidence of engagement in active ground combat with the enemy to support a conclusion that the strict criteria for award of the Combat Infantryman Badge were met. A majority of the Board determined the evidence is insufficient as a basis for awarding the Combat Infantryman Badge in this case.

3. The member in the minority found the IED incident and the applicant's participation in the response to the incident sufficient to confirm the criteria for the Combat Infantryman Badge were met and determined the applicant should be awarded the 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.

12/16/2024

X

CHAIRPERSON

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 that there are basically three requirements for award of the Combat Infantryman Badge. The Soldier must be an infantryman satisfactorily performing infantry duties, he must be assigned to an infantry unit during such time as the unit is engaged in active ground combat, and he must actively participate in such ground combat. Specific requirements state, in effect, that an Army enlisted Soldier must have an infantry or special forces 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.

//NOTHING FOLLOWS//