

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 July 2025

DOCKET NUMBER: AR20240002646

APPLICANT REQUESTS: retroactive award of the Combat Action Badge (CAB).

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

- DD Form 149 (Application for Correction of Military Record)
- Email Correspondence of Exhibits
- 2 DD Forms 1610 (Request and Authorization for TDY Travel of DoD Personnel)
- 2 DA Forms 2823 (Sworn Statement)
- Memorandum, CAB Verification, 2 March 2019
- Memorandum, Letter of Release, 18 March 2019
- Memorandum, Statement of Service, 18 March 2019
- Memorandum, Justification Beyond 12 Month Deployment, 28 January 2020
- 2 DD Forms 7791 (Eyewitness Statement (For Valor/Heroism))
- Enlisted Record Brief, 14 October 2020
- DA Form 2446 (Request for Orders), 30 October 2020
- Memorandum, U.S. Army Human Resources Command (AHRC), 1 March 2021
- Audiology Note, 25 May 2022
- Physician Outpatient Notes, 2-3 June 2022
- Soldier Talent Profile, 28 February 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, the circumstances surrounding the denial of the CAB is due to administrative failures during his deployment to Somalia from 2018 to 2019, and injustices not identified during the resubmission of his paperwork after his deployment. He is aware of an individual who received the CAB for less dangerous situations within the same command after his incident, highlighting disparities in the evaluations and handling process. His conviction of this injustice is underscored by the enduring impact on his health, with traumatic brain injury (TBI) issues which are being

addressed and severe hearing loss combined with severe tinnitus, for which he has been issued hearing aids and serve as a constant reminder of the events in question.

3. The applicant is currently serving in the Regular Army in military occupational specialty 35L (Counterintelligence Agent).

4. The applicant provides, in part, a/an:

a. Memorandum, Staff Sergeant (SSG) RLF, Counterintelligence Special Agent, 2 March 2019, who claims the applicant was present and on duty when engaged by an enemy mortar attack on 15 February 2019.

(1) At approximately 0740, 15 February 2019, Al-Shabaab forces attacked the base, firing 11 120mm mortar rounds onto the base with 9 mortar rounds impacting within the camp. While under active enemy mortar fire, the applicant ensured that his team was not injured as they quickly donned their protective equipment and secured their weapons. The applicant took immediate action and quickly moved with his team to the nearest bunker. While in the bunker, the applicant positioned himself in between the front of the bunker and the rest of the personnel, to protect them from shrapnel and debris. The applicant stood as a sentry to the bunker, protecting the personnel inside. He maintained a low ready posture with his assigned weapon, ready to engage the enemy in close combat, in the event enemy forces penetrated the base defenses.

(2) The applicant ensured all personnel in the bunker were ok and uninjured from the mortar fire. He selflessly placed himself between U.S. personnel and the threat of injury or death, to protect them. While still under threat of mortar fire, he moved to locate the assigned linguists in another bunker for accountability. Immediately, the applicant and his team returned to their tent and begin active intelligence collection in support of defensive base operations. The applicant performed above and beyond what was expected of him and effectively executed his duties, while under enemy fire, in accordance with the established rules of engagement. Due to his decisive action and selfless service, his team was able to provide a real-time intelligence picture to the base commander and other key personnel, enabling the base commander to make informed effective command decisions, resulting in zero U.S. casualties.

(3) Of the 11 mortar rounds fired onto the compound, 1 mortar round impacted within 45m of the applicant with direct an unobstructed line of sight between the point of impact and him. The applicant was in front of his tent door when the mortar round impacted. Shrapnel from the blast hit the tent within 1 meter of the applicant. It is reasonable to state that he could have been injured or killed during the attack.

b. Memorandum for Record, Statement of Service, 18 March 2019, which certifies the applicant supported Operation Freedom's Sentinel in Combined Joint Task Force Horn of Africa (CJTF-HOA), Djibouti, Africa from 20 September 2018 to 18 March 2019.

c. Memorandum for U.S. Army Intelligence and Security Command, G1, SSG RLF, 28 January 2020, justifying the submissions for the CAB for the applicant and SSG RLF beyond 12 months from redeployment. The author claims their recommendations were not processed downrange or within 12 months from redeployment, due to administrative mishandling of their packets with CJTF-HOA, changes in regulatory requirements, an inability to contact witnesses, and circumstances beyond their control.

d. DA Form 7791, Command Master Sergeant (CMSGT) TRW, 13 October 2020, who states, in effect, he was approximately 30 meters from the applicant when Islamic extremists detonated 120mm mortars within 50 meters of their location. The applicant was fully exposed and moving to cover when a 120mm round detonated 45 meters in front of him on 15 February 2019. He immediately gained accountability of the assigned linguists and ensured their safety. He reported status and resumed real-time intelligence collection activities on and off base before the attack was over and the "all clear" given.

e. DA Form 7791, SSG RLF, 16 October 2020, who claims he was present and on duty with the applicant when engaged by an enemy mortar attack on 15 February 2019. He essentially reiterates he previous statement and corroborates CMSGT TRW's statement.

f. Audiology Note, 25 May 2022, in which the applicant was seen at the clinic for hearing aid fitting and to address bilateral tinnitus. Otoscopy revealed external auditory canal unoccluded with visible unremarkable tympanic.

g. Office and Clinic Notes, 2-3 June 2022, noted applicant personal history of mild TBI, 2018 Somalia. Applicant reported he was attempting to run to a bunker when a rocket propelled grenade hit within 25 meters. He reported difficulty remembering event after incident but reported getting to the bunker and beginning to assist with Soldiers. States he was not seen for 3 days after. Unspecified headaches. Awaiting second set of prescription lenses. Scheduled audiology for possible adjustments to hearing aids. During last visit reviewed magnetic resonance imaging of brain, no medications adjusted or added. Applicant declined medication for headache treatments due to headaches being controlled. Applicant to continue behavioral health services off post.

5. A memorandum from the AHRC, Chief, Awards and Decoration Branch, dated 1 March 2021 disapproved his request for retroactive award of the CAB. The Chief stated the documentation submitted in support of the request did not provide sufficient justification to warrant retroactive approval for the incident in question. Policy in Army Regulation 600-8-22 (Military Awards), paragraph 8-8, prohibits retroactive award of the

CAB except where evidence of injustice is presented. The forwarded documentation did not indicate the applicant met the criteria.

6. The CAB is intended to serve as a companion to the Combat Infantryman Badge (CIB) and Combat Medical Badge (CMB) to recognize the greatly expanded role of non-infantry Soldiers in active, ground combat. 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. In order to qualify for the CAB, a member must be performing assigned duties in an area where hostile fire pay, or imminent danger pay is authorized; they must be personally present and under hostile fire while performing satisfactorily in accordance with the prescribed rules of engagement; and they must not be assigned or attached to a unit that would qualify the Soldier for the CIB or CMB. On or after 5 March 2019, a Soldier must also be performing an offensive or defensive act while participating in combat operations, engaging, or being engaged by the enemy.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the majority of the Board found that relief was warranted, while a minority of 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 and standard review based on law, policy and regulation. Upon review of the applicant's petition and the available military records, the Board was persuaded by the witness statements and medical documents, submitted in support of the application. Based on the totality of the evidence, the Board concluded that the applicant satisfied the regulatory criteria for award of the Combat Action Badge. Accordingly, the Board finds sufficient basis to grant relief and directs that the applicant be awarded the Combat Action Badge.

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 Action Badge for the period 15 February 2019 for actively engaging or being engaged by the enemy.

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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 prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. Instructions state the requirements for award of the CAB are branch and military occupational specialty 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, it is not intended to award the CAB to all Soldiers who serve in a combat zone or imminent danger area. Award of the CAB is not automatic and will not be awarded solely based on award of the Purple Heart. The CAB may be awarded to any Soldier. Paragraph 8-8 states specific eligibility requirements which include:

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. For all named conflicts beginning after 5 March 2019, a Soldier must also be performing in 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.

b. Soldier must be performing assigned duties 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.

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

d. In addition to Army Soldiers, the CAB may also be awarded to members of other U.S. Armed Forces and foreign military personnel assigned to a U.S. Army unit, provided they meet the above criteria.

e. Award of the CAB is authorized from 18 September 2001 to a date to be determined. Award for qualifying service in any previous conflict is not authorized.

f. Second and subsequent awards of the CAB are as follows:

(1) Only one CAB may be awarded during a qualifying period.

(2) Second and subsequent award of the CAB will be indicated by superimposing one and two stars respectively, centered at the top of the badge between the points of the oak wreath.

g. Retroactive awards of the CAB are not authorized prior to 18 September 2001.

2. Army Regulation 15-185 prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. 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.

//NOTHING FOLLOWS//