

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 November 2024

DOCKET NUMBER: AR20240003821

APPLICANT REQUESTS: amendment of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show award of the Combat Infantryman Badge.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending 7 May 2000

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 he served in Operation Iraqi Freedom. He believes, during that time, he was awarded the Combat Infantryman Badge. He would like his award added to his DD Form 214.

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

- a. He enlisted in the Army National Guard on 3 April 2000.
- b. He served on active duty from 10 January 1997 to 7 May 2000. His DD Form 214 shows he completed 3 years, 3 months, and 27 days of active duty service. It also shows he held military occupational specialty 11H (Heavy Armor Weapon Infantry).
- c. He entered active duty on 1 October 2003. He served in Iraq from 28 February 2004 to 10 January 2005. He was honorably released from active duty on 10 March 2005. His DD Form 214 shows he completed 1 year, 5 months, and 10 days of active duty service in MOS 11B (Infantryman). Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) is void of the Combat Infantryman Badge.

d. His record is void of documentation or orders recommending him for award of the Combat Infantryman Badge.

5. By regulation, to be awarded the Combat Infantryman Badge, the recipient must meet the following criteria:

- be an infantryman satisfactorily performing infantry duties
- assigned to an infantry unit during such time as the unit is engaged in active ground combat
- actively participate in such ground combat; campaign or battle credit alone is not sufficient

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, 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. The evidence of record shows the applicant held military occupational specialty (MOS) 11B (Infantryman). The applicant served in Iraq from 28 February 2004 to 10 October 2005. The Board determined he does not meet the criteria for award of the Combat Infantryman Badge since he there is no record he served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or smaller size.

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 600-8-22 (Military Awards) paragraph c, Specific eligibility requirements, in effect at the time, states:

- A soldier must be an Army infantry or special forces officer (SSI 11 or 18) in the grade of colonel or below, or an Army enlisted soldier or warrant officer with an infantry or special forces MOS, who subsequent to 6 December 1941 has 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. Eligibility for special forces personnel (less the special forces medical sergeant) accrues from 20 December 1989. Retroactive awards for special forces personnel are not authorized.
- A recipient 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. The unit in question can be of any size smaller than brigade. For example, personnel possessing an infantry MOS in a rifle squad of a cavalry platoon in a cavalry troop would be eligible for award of the CIB. Battle or campaign participation credit alone is not sufficient; the unit must have been in active ground combat with the enemy during the period.
- Personnel with other than an infantry or special forces MOS are not eligible, regardless of the circumstances. The infantry or special forces SSI or MOS does not necessarily have to be the soldier's primary specialty, as long as the soldier has been properly trained in infantry or special forces tactics, possesses the appropriate skill code, and is serving in that specialty when engaged in active ground combat as described above. Commanders are not authorized to make any exceptions to this policy.
- Awards will not be made to general officers nor to members of headquarters companies of units larger in size than brigade.

//NOTHING FOLLOWS//