

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 October 2024

DOCKET NUMBER: AR20240004124

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

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

- DD Form 149 (Application for Correction of Military Record)
- Combat Action Badge Certificate

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 his Combat Action Badge was missing from his DD Form 214.
3. The applicant provides a Combat Action Badge Certificate which states the applicant was awarded the Combat Action Badge, having been personally present and under direct hostile enemy fire during combat operations in Iraq, in support of Operation Iraqi Freedom on 6 May 2005, while assigned to Headquarters and Headquarters Detachment, 457th Transportation Battalion.
4. A review of the applicant's service records shows:
 - a. He enlisted in the United States Army Reserves on 20 July 1998 for a period of eight (8) years.
 - b. The available service record is void of orders announcing award of the Combat Action Badge to him.
 - c. He entered active duty on 5 October 2004. He was honorably released from active duty on 5 November 2005. His DD Form 214 shows he completed 1 year, 1

month, and 1 day of active service with no lost time. Block 8a (Last Duty Assignment and Major Command) shows he was assigned to 457th Transportation Battalion. Block 18 (Remarks) listed his service in Iraq from 24 November 2004 to 27 October 2005. It also shows he was awarded or authorized:

- Army Commendation Medal
- Army Good Conduct Medal
- Army Reserve Components Achievement Medal
- National Defense Service Medal
- Army Service Ribbon
- Armed Forces Reserve Medal w/M Device
- Global War on Terrorism Service Medal
- Iraq Campaign Medal

5. The requirements for award of the Combat Action Badge are branch and MOS 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 Combat Action Badge. However, it is not intended to award the Combat Action Badge to all Soldiers who serve in a combat zone or imminent danger area. The Soldier must be performing assigned duties in an area where hostile fire pay or imminent danger pay is authorized. The Soldier must be personally present and actively engaging or being engaged by the enemy and performing satisfactorily in accordance with the prescribed rules of engagement.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted.

2. The Board carefully considered the applicant's request and supporting documents. The Board considered the applicant's record of service to include deployment, the certificate provided and the applicable regulatory guidance. The Board found that the certificate was unsigned and that the record contained no orders or other unit documentation for reflecting an award of the Combat Action Badge to the applicant. The Board found insufficient evidence to show that he was personally present and actively engaging or being engaged by the enemy and performing satisfactorily in accordance with the prescribed rules of engagement. Based on a preponderance of evidence, the Board determined that the absence of a CAB on his DD Form 214 was not in error or unjust.

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) states the requirements for award of the Combat Action Badge are branch and MOS 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 Combat Action Badge.

However, it is not intended to award the Combat Action Badge to all Soldiers who serve in a combat zone or imminent danger area. The Soldier must be performing assigned duties in an area where hostile fire pay or imminent danger pay is authorized. The Soldier must be personally present and actively engaging or being engaged by the enemy and performing satisfactorily in accordance with the prescribed rules of engagement. The Soldier must [not] be assigned or attached to a unit that would qualify the Soldier for the Combat Infantryman Badge or the Combat Medical Badge. Award of the Combat Action Badge is authorized from 18 September 2001 to a date to be determined. Only one Combat Action Badge may be awarded during a qualifying period.

//NOTHING FOLLOWS//