

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 February 2025

DOCKET NUMBER: AR20240005505

APPLICANT REQUESTS: correction of DD Form 214 (Certificate of Release or Discharge) for the period ending on 11 March 2005, to reflect award of the Combat Action Badge

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, 11 March 2005
- Memorandum – Subject: Notification of Eligibility for Retired Pay at Age 60 (20-Year letter)
- Information Report
- NGB Form 22 (NGB Report of Separation and Record of Service), 4 February 2007

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 was awarded the Combat Action Badge during his deployment to Iraq from 2004-2005. After returning from this deployment, he was issued a DD Form 214 and NGB Form 22. However, his Combat Action Badge was not annotated on his DD Form 214, but it was annotated on his NGB Form 22.
3. A review of the applicant's service records reflect the following:
 - a. After previously serving in the Regular Army and the U.S. Army Reserve (USAR), on 28 September 1995, the applicant was appointed as a warrant officer within the Illinois Army National Guard.

b. On 15 December 2003, the applicant was ordered to active duty in support of Operation Iraqi Freedom. He served in Kuwait/Iraq from 29 February 2004 through 10 February 2005.

c. On 11 March 2005, the applicant was released from active duty. DD Form 214, item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) reflects the following:

- Air Medal
- Army Achievement Medal (3rd Award)
- Army Good Conduct Medal
- National Defense Service Medal (2nd Award)
- Humanitarian Service Medal
- Global War on Terrorism Service Medal
- Armed Forces Reserve Medal (w/ "M" device)
- Armed Forces Reserve Medal
- Noncommissioned Officer Professional Development Ribbon (2nd award)
- Arm Service Ribbon
- Army Reserve Components Overseas Training Ribbon (2nd award)
- Multinational Forces and Observers Medal
- Army Lapel Pen
- Expert Infantryman Badge
- Army Aviator Badge
- Basic Parachutist Badge
- Global War on Terrorism Expeditionary Medal

d. On 4 February 2007, the applicant was honorably discharged and transferred into the USAR Control Group (Retired). NGB Form 22, item 15 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded this Period) reflects the following:

- Air Medal
- Army Achievement Medal (3rd Award)
- Army Good Conduct Medal
- National Defense Service Medal (2nd Award)
- Humanitarian Service Medal
- Global War on Terrorism Service Medal
- Armed Forces Reserve Medal (w/ "M" device)
- Armed Forces Reserve Medal
- Noncommissioned Officer Professional Development Ribbon (3rd Award)
- Arm Service Ribbon
- Army Reserve Components Overseas Training Ribbon (2nd Award)

- Multinational Forces and Observers Medal
- Army Lapel Pen
- Expert Infantryman Badge
- Army Aviator Badge
- Basic Parachutist Badge
- Global War on Terrorism Expeditionary Medal
- Illinois Military Attendance Ribbon
- Combat Action Badge

4. The applicant provides the following:

- a. Memorandum – Subject: Notification of Eligibility for Retired Pay at Age 60 (20-Year letter), reflective of the applicant's completion of the required years of service to be eligible for receipt of retired pay upon reaching age 60.
- b. Information Report reflective of the applicant's pertinent military history to include active duty/reserve service periods and deployments. This document further provides that the applicant was deployed from 15 December 2003 – 11 March 2005.

5. On 16 December 2024, the U.S. Army Human Resources Command noted that upon review of the applicant's available service records, they were unable to locate an order for the Combat Action Badge. Further, there is no evidence of the applicant ever being recommended for this award.

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 Board noted the applicant's contention that he was awarded the Combat Action Badge; however, determined that the U.S. Army Human Resources Command did not have a record of the award being issued and the applicant's record was void of orders awarding him the Combat Action Badge. Additionally, the applicant provided no evidence to support the requirements for award of the Combat Action Badge. For the Combat Action Badge to be awarded, the Soldier must be personally present and under hostile fire while performing satisfactorily in accordance with the prescribed rules of engagement. Based on this, the Board denied relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>
--------------	--------------	--------------

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XX	:XX	:XX	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.

X //signed//

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 (AR) 600-8-22 (Military Awards) provides 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. Paragraph 1-27 (Announcement of Awards) provides that Permanent awards of badges, except Basic Marksmanship Qualification badges, identification badges (less the Guard, Tomb of the Unknown Soldier Identification Badge, and Military Horseman Identification Badge), will be announced in Permanent Orders by commanders authorized to make the award before recording information in the Soldier's official military record.
3. Army Regulation 635-5 (Separation Documents) provides that the DD Form 214 will reflect the conditions and circumstances that existed at the time the records were created. 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. It is important that information entered on the form be complete and accurate and reflects the conditions as they existed at the time of separation. Personnel officers will prepare and authenticate DD Form 214 prior to forwarding records to the transfer facility. All available records will be used as a basis for the preparation of DD Form 214, including DA Form 2-1 (Personnel Qualification Record), Officer Record Brief and orders. Item 13 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) on the issued DD Form 214 will contain all decorations, service medals, campaign credits and badges awarded or authorized from the DA Form 2-1 of Officer Record Brief.

//NOTHING FOLLOWS//