

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 October 2014

DOCKET NUMBER: AR20240005647

APPLICANT REQUESTS: in effect, his DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect the Combat Infantryman Badge (CIB). He also requests a personal appearance before the Board.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:  
DD Form 149 (Application for Correction of Military Record)

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 received a CIB from Colonel A\_\_ (1st Cavalry, 1st Brigade Commander) and Sergeant Major S\_\_ (1st Cavalry, 1st Brigade Sergeant Major) which was personally stamped into his chest by both and other ranking members. He has the medal, but it is not on his DD Form 214. He just wants his service record to be accurate. He was in the Infantry, so he did not get to hide behind a Forward Operating Base. He has been blown up several times, been engaged and engaged in close combat, the typical grunt way, for example shot at, improvised explosive devices, mortar fire, rocket propelled grenades, ambushed, his team has been separated in some instances from the rest of the squad. All this can be collaborated by numerous people. He can provide information for people that fought with him if needed. But surely Colonel A\_\_ and Sergeant Major S\_\_ should be sufficient. He had to deal with dead, dying and wounded and maimed grunts. He is already on 100% disability this is just about fixing his DD Form 214. It has nothing to do with anything else than his record being accurate. (There is evidence listed on his DD Form 149; however, there is no attachments within his application).
3. The applicant enlisted in the Regular Army on 22 March 2000. He held military occupational specialty 11B (Infantryman).
4. He served in Iraq from 11 March 2004 – 10 March 2005.

5. He was honorably released from active duty and transferred to US Army Reserve Control Group (Reinforcements) on 14 June 2005. His DD Form 214 shows he completed 5 years, 2 months, and 23 days net active service this period. It also shows in item 13 he was awarded or authorized:

- Army Lapel Button
- Army Achievement Medal
- Global War on Terrorism Expeditionary Medal
- Global War on Terrorism Service Medal
- Army Good Conduct Medal
- National Defense Service Medal
- Army Service Ribbon

6. There is no evidence within the applicant's available service records that show he was awarded the CIB.

7. By regulation, Army Regulation (AR) 600-8-22 (Military Awards), as amended by Military Personnel Message 08-190, states the Combat Infantryman Badge may be awarded to an infantryman satisfactorily performing infantry duties, assigned to an infantry unit during such time as the unit is engaged in active ground combat, and actively participating in such ground combat.

8. By regulation, AR 15-185 (ABCMR) applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

#### BOARD DISCUSSION:

1. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant contends that he was awarded the Combat Infantryman Badge. However, the applicant's official record does not contain, and the applicant does not provide the orders that awarded him the Combat Infantryman Badge. If the applicant has a copy of the permanent order that awarded him this badge, he may resubmit his application to this Board for reconsideration. If the applicant does not have a copy of the orders, and still desires to be awarded the Combat Infantryman Badge, he is advised to follow the guidance specified in Army Regulation 600-8-22 on how to request this 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.

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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 (AR) 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. AR 600-8-22 (Military Awards) states the Combat Infantryman Badge was established during World War II to provide special recognition of the unique role of the Army infantryman, the only Soldier whose daily mission is to close with and destroy the enemy and to seize and hold terrain. The badge was intended as an inducement for individuals to join the infantry while serving as a morale booster for infantrymen. In developing the Combat Infantryman Badge, the War Department did not dismiss or ignore the contributions of other branches. Their vital contributions to the overall war effort were noted, but it was decided that other awards and decorations were sufficient to recognize their contributions. From the beginning, Army leadership has taken care to retain the badge for the unique purpose for which it was established. The War Department received requests to award the Combat Infantryman Badge to non-infantry individuals and units employed as infantry during tactical emergencies. All of those requests were disapproved based on the fact that the regular infantryman lived, slept, ate, and fought as an infantryman on a continuous and indefinite basis without regard to the tactical situation.

a. AR 600-8-22 (Military Awards), as amended by Military Personnel Message 08-190, states the Combat Infantryman Badge may be awarded to an infantryman satisfactorily performing infantry duties, assigned to an infantry unit during such time as the unit is engaged in active ground combat, and actively participating in such ground

combat. Specific requirements state, in effect, that an Army Soldier must have an infantry or special forces specialty/military occupational 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. A Soldier 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, to close with and destroy the enemy with direct fires.

b. AR 600-8-22 also states that improvised explosive devices (IEDs), vehicle-borne IEDs (VBIEDS), and the like are direct fire weapons. While no fixed, qualifying distance from an explosion of these devices can be established, commanders should consider the entirety of the combat situation when considering award of the Combat Infantryman Badge.

//NOTHING FOLLOWS//