

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 February 2025

DOCKET NUMBER: AR20240006238

APPLICANT REQUESTS:

- correction of DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending on 1 May 1994 to reflect:
 - service in Somalia from 5 April 1993 – 13 August 1993
 - Combat Infantryman Badge
 - Shoulder Sleeve Insignia – Former Wartime Service (SSI-FWTS)/Combat Patch
- personal appearance (video/telephone)

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, 1 May 1994
- Letter of Endorsement
- Memorandum – Subject: Combat Patch
- Memorandum – Subject: Joint Meritorious Unit Award
- Memorandum – Subject: Armed Forces Expeditionary Medal

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 pertinent part that he previously served in Somalia, Africa from 5 April 1993 – 13 August 1993. He contests that his previous unit (Headquarters and Headquarters Company, 1st Battalion 22nd Infantry Regiment) was authorized the Combat Infantryman Badge after he was discharged from military service and therefore, he would like his DD Form 214 corrected to reflect him being authorized the Combat Infantryman Badge as well.

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

a. On 7 July 1982, the applicant enlisted in the Regular Army with duty as an 11H (Heavy Anti-Armor Weapons Infantryman).

b. On or about 14 October 1982, the applicant was awarded the 11H military occupational specialty.

c. During the applicant's military service, he served in a variety of duty locations to include: Germany, Fort Carson, CO and Fort Drum, NY.

d. On or about 10 March 1992, the applicant was assigned to Headquarters and Headquarters Company, 1st Battalion 22nd Infantry Regiment as a gunner.

e. On 1 May 1994, the applicant was honorably discharged from the Regular Army and transferred into the U.S. Army Reserve Control Group (Reinforcement). DD Form 214, item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) reflects the following:

- Army Service Ribbon
- National Defense Service Medal
- Army Achievement Medal (w/ 4 Oak Leaf Clusters)
- Army Good Conduct Medal (3rd award)
- Noncommissioned Officer Professional Development Ribbon (w/ Numeral 2 device)
- Overseas Service Ribbon (2nd award)
- Humanitarian Service Medal
- Expert Marksmanship Badge (w/ Rifle bar)
- Sharpshooter Marksmanship Badge (w/ Hand Grenade, Tow and ITV Gunnery bars)
- Army Commendation Medal (w/ 1 Oak Leaf Cluster)
- Armed Forces Expeditionary Medal
- Joint Meritorious Unit Award

4. The applicant provides:

a. Letter of Endorsement from first lieutenant (1LT) R_H_, his former Platoon Leader while assigned to Headquarters and Headquarters Company, 1st Battalion 22nd Infantry Regiment. 1LT R_H_ provides that he served with the applicant from 5 March 1993 – 15 March 1994. He notes that during this period, his unit deployed to Somalia, Africa in support of Operation Restore and Continue Hope. The applicant's performance during this mission was instrumental in his platoon's overall success.

b. Memorandum – Subject: Combat Patch, reflective of the applicant being authorized the 10th Mountain Division Combat Patch for his service in support of Operation Restore/Continue Hope in Somalia, Africa from 5 April 1993 – 13 August 1993.

c. Memorandum – Subject: Joint Meritorious Unit Award, reflective of the applicant being authorized to wear the Joint Meritorious Unit Award for his service in support of Operation Restore/Continue Hope in Somalia, Africa from 5 April 1993 – 13 August 1993.

d. Memorandum – Subject: Armed Forces Expeditionary Medal, reflective of the applicant being authorized the Armed Forces Expeditionary Medal for his service in support of Operation Restore/Continue Hope in Somalia, Africa from 5 April 1993 – 13 August 1993.

5. A review of the applicant's DA Form 2-1 (Personnel Qualification Record), item 5 (Overseas Service) reflects service in Germany from 28 October 1982 – 4 July 1985 and 19 October 1988 – 20 January 1992. This document is void of evidence of the applicant's service in Somalia, Africa, orders or authorization for the Combat Infantryman Badge.

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. 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.

a. Service in Somalia. Deny. The Board found no evidence to support the applicant served in an overseas location, including Somalia, outside of his service in Germany. Therefore, the Board concluded correction of his DD Form 214 to reflect service in Somalia was not warranted.

b. Combat Infantryman Badge. Deny. Based on the foregoing conclusion the applicant was not deployed to Somalia, there is no evidence to support award of the Combat Infantryman Badge, including evidence of a recommendation for or award of the Combat Infantryman Badge. Therefore, the Board denied relief.

c. Shoulder Sleeve Insignia/Combat Patch. Deny. The Board determined this is an item of wear and therefore was not governed by regulation to add to the applicant's DD Form 214.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, 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.

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) paragraph 8-6 (Combat Infantryman Badge) provides that for award of the Combat Infantryman Badge a Soldier must meet the following three requirements:

- (1) Be an infantryman satisfactorily performing infantry duties.
- (2) Assigned to an infantry unit during such time as the unit is engaged in active ground combat.
- (3) Actively participate in such ground combat. Campaign or battle credit alone is not sufficient for award of the Combat Infantryman Badge

Specific eligibility criteria for the Combat Infantryman Badge require that a Soldier must be an Army infantryman, 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 must be a brigade, regiment, or smaller size. For example, personnel possessing an infantry MOS in a rifle squad of a cavalry platoon in a cavalry troop would be eligible for award. Battle or campaign participation credit alone is not sufficient; the unit must have been in active ground combat with the enemy during the period. The Combat Infantryman Badge is authorized for award for service in Somalia between 5 June 1993 – 31 March 1994. Retroactive award of the Combat Infantryman Badge is authorized for time periods specified above for fully qualified individuals. The awards may be awarded by Commander, U.S. Army Human Resources Command, Awards and Decorations Branch (AHRC-PDP-A), 1600 Spearhead Division Avenue, Fort Knox, KY 40122-5408.

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), 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. Item 18 (Remarks) with reflect mandatory, Headquarters Department of the Army requirements to include periods of deployment. For active duty/Regular Army service members, enter "Service in (Name of Country Deployed) from (inclusive dates).

4. Army Regulation 670-1 (Wear and Appearance of Army Uniforms and Insignia) prescribes Department of the Army policy for proper wear and appearance of Army uniforms and insignia. Paragraph 28-17 of this regulation prescribes the authority for authorization, periods of authorization, and manner of wear for the Shoulder Sleeve Insignia – Former Wartime Service (SSI-FWTS), commonly referred to as a "Combat Patch". In pertinent part, the regulation authorizes optional wear of the U.S. Army SSI-FWTS/Combat Patch in which a Soldier served during a period of eligibility. Periods of eligibility are announced by Department of the Army and only shoulder sleeve insignia approved for wear by Headquarters Department of the Army are authorized to be worn on the right sleeve of the Army Green and field uniforms to signify wartime service. There are no provisions for entering the shoulder sleeve insignia for former wartime service on the DD Form 214.

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

//NOTHING FOLLOWS//