

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 January 2025

DOCKET NUMBER: AR20240006245

APPLICANT REQUESTS:

- correction of his records to show he was awarded the Combat Infantryman Badge (CIB)
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Permanent Order Number 121-1, 1 September 1992
- Final Department of the Army Approval Package Re CIB, 7 July 1995 (24 pages)
- Permanent Orders 188-3, 7 July 1995

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:

a. He was awarded the CIB after Operation Desert Storm by "COMUSUSARCENT." The award was subsequently challenged by unassigned and unknowledgeable personnel in United States Personnel Command (PERSCOM) and Human Resources Command (HRC) and retracted two times and then finally re-awarded by the Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs (M&RA)) after a three- and half-year exhaustive investigation involving General Officers in the Reserve and Active chains of command. Included in the affirmative vote was the Colonel of Infantry. However, with the re-award completed, PERSCOM failed to properly notify the proper personnel to have the award entered in his official permanent files.

b. He believes this correction should be made because the award of the CIB was approved by the "COMUSUSCENTCOM" and "COMUSUSARCENT" while on the

battlefield. Subsequent actions by persons (officers and senior enlisted) were submitted after Operation Desert Storm was completed and the force returned to the United States of America. The subsequent intensive investigation by the Secretary of the Army (M&RA) demonstrated that all appropriate steps were taken to correct the record based on all necessary factors and award of the CIB was made.

c. He was not aware that the award of the CIB had been contested with such vehemence by the Reserve side of the house until he requested copies of his official permanent files when he was making arrangements to bury his son at Arlington National Cemetery and was provided a copy of the entire investigation. He wishes to have his permanent records corrected accordingly.

3. The applicant provides a copy of the Final Department of the Army Approval Package Re Combat Infantryman Badge, dated 7 July 1995, which shows:

a. A memorandum from the Chief, Military Awards Branch, states the request to reconsider the revocation of the CIB awarded to Major (MAJ) [REDACTED] Lieutenant Colonel (LTC) [REDACTED] Sergeant First Class (SFC) [REDACTED] [Applicant], MAJ [REDACTED] and LTC [REDACTED] on Permanent Orders 121-1, dated 1 September 1992 and revoked on Permanent Orders 126-1, dated 24 September 1992 is approved. After careful review of the documentation concerning this case and coordination with the United States Army Infantry School, it was determined that the five members qualify for the award of the CIB. Therefore, we (PERSCOM) published appropriate orders awarding the CIB to MAJ [REDACTED] LTC [REDACTED] SFC P_ [Applicant], MAJ [REDACTED] and LTC [REDACTED]. Copies for inclusion in their Official Military Personnel File, local Military Personnel Records Jacket and individual concerned were provided.

b. The complete package is available for the Board to review.

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

a. He enlisted in the Regular Army on 3 January 1977.

b. His DA Form 2-1 (Personnel Qualification Record) shows:

- Item 5 (Oversea Service) shows service in Saudia Arabia from 25 January 1991 to 1 April 1991.
- Item 9 (Awards, Decorations, and Campaigns) shows the award of the CIB.
- Item 35 (Current and Previous Assignments) shows he served with the 352nd Civil Affairs Command as the Chief, Special Operations Advisor, in duty military occupational specialty (MOS) 18Z (Special Forces Senior Sergeant), from 1 February 1991 to 30 April 1991.

c. Permanent Order Number 121-1, issued by Headquarters, U. S. Army Forces Central Command, Fort McPherson, GA on 1 September 1992, awarded the applicant the CIB for active ground combat for the period of service from 23 February 1991 to 28 February 1991.

d. His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was honorably retired on 28 February 1995. It shows in:

- Item 11 (Primary Specialty): 18Z (Special Forces Senior Sergeant), 9 years and 9 months and 12B (Combat Engineer), 8 years and 5 Months
- Item 13 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized): it shows the award of the CIB.

e. Permanent Orders Number 188-3, issued by the U.S. Total Army Personnel Command on 7 July 1995, awarded the applicant the CIB for satisfactory performance of infantry duties in active ground combat for the period of service from 23 February 1991 to 28 February 1991.

f. Permanent Order Number 063-05, issued by HRC, Fort Knox, KY on 3 March 2016, revoked Permanent Orders 188-3, pertaining to award of the CIB to the applicant. It states this Permanent Order supersedes any previously issued Order that may have been published announcing this award.

g. A letter from the Chief, Awards and Decorations Branch, HRC, dated 23 May 2016, shows the applicant was notified on 26 January 2016 of HRC's intent to revoke his CIB that was awarded in error. HRC stated that a copy of the orders announcing revocation of the CIB and a DD Form 215 (Correction to DD Form 214) amending his DD Form 214 was provided to the applicant and a copy was permanently enclosed in his Army Military Human Resource Record. The decision on the matter was final, and further appeals must be directed to the ABCMR.

h. A DD Form 215, issued on 24 May 2016, shows the CIB was deleted.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was 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 was awarded the Combat Infantryman Badge for active ground combat for the period of service from 23 February 1991 to 28 February 1991. Therefore, the Board determined relief was warranted.

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:

Mbr 1 Mbr 2 Mbr 3

■	■	■	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 28 February 1995 to show award of the Combat Infantryman Badge.

5/12/2025

X _____

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 600-8-22 prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. It states for award of the Combat Infantryman Badge, a Soldier must meet the following requirements:

a. Be an infantry Soldier satisfactorily performing infantry duties. A Soldier must be an Army infantry or Special Forces (SF) officer (career management field or Area of Concentration 11 or 18) in the grade of COL/O-6 or below or an Army enlisted Soldier or warrant officer with an infantry or SF military occupational specialty (MOS) who, subsequent to 6 December 1941, has satisfactorily performed duty while assigned or attached as a member of an infantry, ranger, or SF unit of either a brigade, regimental, or smaller size during any period such unit was engaged in active ground combat.

b. Eligibility for SF personnel in MOSs 18B, 18C, 18E, 18F, and 18Z (less 18D – SF medical sergeant) accrues from 20 December 1989. Be assigned to an infantry unit during such time as the unit is engaged in active ground combat. A recipient must be personally present and under hostile fire while serving in an assigned infantry or SF 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 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.

3. Army Regulation 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 that 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.

//NOTHING FOLLOWS//