

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 April 2025

DOCKET NUMBER: AR20240006311

APPLICANT REQUESTS: award of the Combat Infantryman Badge (CIB) (2d Award).

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552) via online application
- Memorandum to Army Board for Correction of Military Records (ABCMR), (Request for Award of the CIB (2d Award)), 7 June 2023
- Headquarters, Joint Task Force-South Permanent Orders 8-12, 12 January 1990
- Headquarters, 82d Airborne Division, Fort Bragg, NC, Permanent Order 359-23, 25 December 2005
- U.S. Army Human Resources Command (HRC) memorandum (Request for Award of the CIB for (Applicant)), 8 June 2020
- DA Form 4187 (Personnel Action), 18 June 2020
- Memorandum for Record (Request for the Award of the CIB (2d Award)), 18 June 2020
- Numerous DA Forms 2823 (Sworn Statement)
- DD Form 1610 (Request and Authorization for TDY [temporary duty travel] Travel of DOD Personnel), proceed date 14 January 2009
- DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 29 December 2020
- Officer Record Brief

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 is requesting relief from the U.S. Army Human Resources Command (HRC) denial letter, dated 10 June 2020, which that directed him to this

Board for possible relief. He believes their decision is in error as he believes he fully meets the requirements. He also notes his unit's G-1 committed an administrative error in co-mingling multiple packets which were sent to HRC that resulted in the disapproval of the CIB (2d Award) (see 7 June 2023 memorandum for further details).

3. A review of his Army Military Human Resource Record (AMHRR) contains Headquarters, Joint Task-Force South Permanent Orders 8-12 that show he was awarded the CIB for the period 20 December 1990 through 12 January 1990. He was in the rank/grade of specialist/E-4 and in military occupational specialty 11B (Infantryman).

4. After a period of prior enlisted service in the Regular Army, he was appointed as a Reserve commissioned officer and executed an oath of office on 20 February 2003 in the Field Artillery Branch.

5. Headquarters, 82d Airborne Division, Fort Bragg, NC Permanent Orders 359-23, 25 December 2005, awarded him the Combat Action Badge for actively engaging or being engaged by the enemy on 23 February 2004.

6. He was promoted to the rank/grade of captain/O-3 effective 1 April 2006. Subsequently, he was branched into the Special Forces (specialty 18A) on or about 12 October 2007 and was awarded the Special Forces Tab.

7. DA Form 1610 authorized his deployment in a temporary change of station status from Fort Bragg, NC to military bases not in Kabul, Afghanistan proceeding on or about 14 January 2009.

8. He provides numerous DA Forms 2823 from members of his Special Forces Operational Detachment – Alpha, where he served as the Commander of the 12 man detachment during Operation Enduring Freedom. These statements attest to the fact that on 11 April 2009 in the Dab Pass, Zabul, Afghanistan, the applicant and his detachment were initially ambushed by an enemy's improvised explosive device and continued with ground combat including automatic fire, small arms fire, and rocket propelled grenades. This engagement resulted in four enemy killed in action with no loss of friendly forces (see statements and memorandum dated 18 June 2020 for additional details).

9. He was promoted to the rank/grade of major/O-4 effective 1 November 2012.

10. DA Form 4187 shows Major General P____ R____, Commander, U.S. Army John F. Kennedy Special Warfare Center and School, Fort Bragg, NC, approved his request for the CIB (2d Award) on 29 May 2020.

11. In an 8 June 2020 memorandum from the Chief, Awards and Decorations Branch, HRC, disapproved his request for the CIB (2d Award). This official noted he did not meet the requirements outlined in Army Regulation 600-8-22 (Military Awards), paragraph 8-6f (1), that states "A Soldier must be personally present and under fire while serving in an assigned infantry or Security Forces primary duty, in a unit engaged in active ground combat to close with and destroy the enemy with direct fires." He was also instructed of his right to appeal to this Board.

12. The applicant was retired on 29 December 2020 by reason of disability, combat related in accordance with Army Regulation 645-40 (Physical Evaluation for Retention, Retirement, or Separation), chapter 4. His DD Form 214 shows in:

a. Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) does not show his first CIB award or a second CIB award.

b. Item 18 (Remarks) shows his service in Afghanistan from 11 January 2009 through 15 August 2009.

13. Section VIII (Awards and Decorations) of his Officer Record Brief shows he was awarded the CIB (1st Award).

14. His record contains a DD Form 215 (Correction to DD Form 214), dated 1 April 2024 that added the Purple Heart to his DD Form 214.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the sworn statements of fellow Soldiers describing the facts related to the contested incident and the previous recommended approval of the MG P _____ R _____, Commander, U.S. Army John F. Kennedy Special Warfare Center and School, the Board concluded there was sufficient evidence to show the applicant qualified and should be award the CIB (2nd Award).

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:XXX :XXX :XXX GRANT FULL RELIEF

: : : GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending the applicant's DD Form 214 by awarding and adding the Combat Infantryman Badge (2nd Award).

//SIGNED//
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 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR will decide cases on the evidence of record; it is not an investigative body. The Board begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. Army Regulation 600-8-22 (Military Awards), 11 December 2006 and in effect at the time, prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. For award of the CIB a Soldier must meet the following three requirements:

- (1) Be an infantryman satisfactorily performing infantry duties.
- (2) Be assigned to an infantry unit during such time as the unit is engaged in active ground combat.
- (3) Actively participate in such ground combat.

b. The specific eligibility criteria for the CIB require that:

(1) A Soldier must be an Army infantry or special forces officer (Specialty 11 or 18) in the grade of colonel or below, or an Army enlisted Soldier or warrant officer with an infantry or Special Forces MOS, who subsequent to 6 December 1941 has 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. Eligibility for Special Forces personnel in Military Occupational Specialties (MOS) 18B, 18E, 18F, and 18Z (less Special Forces medical sergeant) accrues from 20 December 1989. Retroactive awards of the CIB to Special Forces personnel are not authorized prior to 20 December 1989.

(2) A recipient 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. The unit in question can be of any size smaller than brigade. 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.

(3) Personnel with other than an infantry or Special Forces MOS are not eligible, regardless of the circumstances. The infantry or Special Forces Specialty or MOS does not necessarily have to be the Soldier's primary specialty, as long as the Soldier has been properly trained in infantry or Special Forces tactics, possesses the appropriate skill code, and is serving in that specialty when engaged in active ground combat as described above. Commanders are not authorized to make any exceptions to this policy.

(4) On or after 18 September 2001—

(a) A Soldier must be an Army infantry or special forces (Specialty 11 or 18) in the grade of colonel or below, or an Army enlisted Soldier or warrant officer with an infantry or special forces MOS, who has 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, to close with and destroy the enemy with direct fires.

(b) A Soldier must be personally present and under fire while serving in an assigned infantry or Special Forces primary duty, in a unit engaged in active ground combat, to close with and destroy the enemy with direct fires.

c. Second and third awards of the CIB are indicated by superimposing 1 and 2 stars respectively, centered at the top of the badge between the points of the oak wreath. To date, a separate award of the CIB has been authorized for qualified Soldiers in the following qualifying periods:

- (1) World War II (7 December 1941 to 3 September 1945).
- (2) The Korean Conflict (27 June 1950 to 27 July 1953).
- (3) The Republic of Vietnam Conflict. Service in the Republic of Vietnam conflict (2 March 1961 to 28 March 1973) combined with qualifying service in Laos; Dominican Republic; Korea on the DMZ; El Salvador; Grenada; Joint Security Area, Panmunjom, Korea; Panama; Southwest Asia Conflict; and Somalia, regardless of whether a Soldier has served one or multiple tours in any or all of these areas. The Republic of Vietnam Conflict Era officially terminated on 10 March 1995.
- (4) War on Terrorism (Afghanistan, Operation Enduring Freedom) and (Iraq, Operation Iraqi Freedom).

//NOTHING FOLLOWS//