

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 March 2025

DOCKET NUMBER: AR20240009037

APPLICANT REQUESTS: Retroactive award of the Combat Action Badge (CAB).

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Flight Orders
- Active Duty Orders
- Human Resources Command Denial
- DA Form 4187 (Personnel Action)

FACTS:

1. The applicant states:

a. He was denied for not meeting the award criteria per Army Regulation 600-8-22 (Military Awards) paragraph 8-8. While assigned to D Company, he was tasked out as a door gunner. On 5 December 2019, while performing his duty as the assigned door gunner on an offensive operation in Kandahar Province, his aircraft was accurately engaged by surface to air fire, forcing the helicopter to have to bank to avoid taking direct contact. Therefore, he was cleared to engage the threat; however, he was unable to do so due to limitations in the ability to traverse.

b. Further, he was serving in an official capacity as door gunner in support of Operation Freedom's Sentinel both in an offensive and defensive act when his aircraft came under surface to air fire. He does believe this meets the criteria for award of the CAB.

2. The applicant provides:

a. DA Form 4187 dated 22 May 2022, which states that on 9 December 2019, while at Kandahar Province, he was on-board Chalk 1 as the door gunner while conducting Infiltrate, Neutralize, Fire, and Execute [INFIL] for the Helicopter Assault Force mission. At approximately 2249 hours, enemy machine gun fire was observed from directly

below the route of travel to the rear of Chalk 1 and to the front right of Chalk 2. The flight banked right to avoid any further incoming surface to air fire. Chalk 2 banked left to avoid surface to air fire. "All aircraft conducted link up shortly after 2254(L) enroute to the Pickup Zone to continue the mission. See enclosed sworn statements." (No sworn statements provided).

b. A Permanent Order 176-003, dated 25 June 2019, showing the applicant would perform regular and frequent aerial flight as a Door Gunner, with an effective date of 1 July 2019 and termination date of 1 September 2020.

c. A Permanent Order 07-238-0023, dated 26 August 2019, showing the applicant was ordered to active duty as a member of his Reserve Component Unit for the period 5 September 2019 for 400 days, in support of Operation Freedom's Sentinel.

3. On 1 May 2023, the Chief, Awards and Decorations Branch, Army Human Resources Command, stated the applicant's request for retroactive award of the CAB for service performed in support of Operation Freedom's Sentinel was disapproved. Per Army Regulation 600-8-22, paragraph 8-8, a Soldier must be personally present and under hostile fire while performing satisfactorily in accordance with the prescribed rules of engagement. On or after 5 March 2019, a Soldier must also be performing in an offensive or defensive act while participating in combat operations, engaging or being engaged by the enemy. The forwarded documentation does not indicate the applicant met these criteria. As such, we are unable to authorize issuance of the CAB for the incident in question.

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 his aircraft was accurately engaged by surface to air fire, forcing the helicopter to have to bank to avoid taking direct contact. Therefore, he was cleared to engage the threat; however, he was unable to do so due to limitations in the ability to traverse. However, the Board reviewed and concurred with U.S. Army Human Resources Command's determination that the applicant's documentation does not support he met the criteria 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 concluded the applicant was not considered the have met the criteria and therefore award of the Combat Action Badge is not warranted.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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.

REFERENCE:

Army Regulation 600-8-22, in effect at the time, prescribed Army policy, criteria, and administrative instructions concerning individual and unit military awards. Instructions stated the requirements for award of the CAB are branch and military occupational specialty 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 CAB. However, it is not intended to award the CAB to all Soldiers who serve in a combat zone or imminent danger area. The CAB may be awarded to any Soldier. Paragraph 8-8 stated specific eligibility requirements include:

- a. Soldier must be performing assigned duties in an area where hostile fire pay or imminent danger pay is authorized.
- b. 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.
- c. Soldier must be assigned or attached to a unit that would qualify the Soldier for the Combat Infantryman Badge/Combat Medical Badge. For example, an 11B (Infantryman) assigned to Corps staff is eligible for award of the CAB. However, an 11B assigned to an infantry battalion is not eligible for award of the CAB.
- d. In addition to Army Soldiers, the CAB may also be awarded to members of other U.S. Armed Forces and foreign military personnel assigned to a U.S. Army unit, provided they meet the above criteria.
- e. Award of the CAB is authorized from 18 September 2001 to a date to be determined. Award for qualifying service in any previous conflict is not authorized.
- f. Second and subsequent awards of the CAB are as follows:
 - (1) Only one CAB may be awarded during a qualifying period.
 - (2) Second and subsequent award of the CAB will be indicated by superimposing one and two stars respectively, centered at the top of the badge between the points of the oak wreath.
- g. Retroactive awards of the CAB are not authorized prior to 18 September 2001.

//NOTHING FOLLOWS//