

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 June 2025

DOCKET NUMBER: AR20240012357

APPLICANT REQUESTS: in effect:

- Reversal of the U.S. Army Human Resources Command (AHRC) decision denying his request to be awarded the Combat Action Badge (CAB)
- A personal appearance before the Board via video/telephone

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

- DD Form 149 (Application for Correction of Military Record)
- Orders Number HR-5107-00014 dated 17 April 2015, which ordered the applicant to Active Duty for Contingency Operation for Active Duty Operational Support (CO-ADOS) in support of Operation Enduring Freedom (OEF) for 365 days with a report date to Fort Bliss on 24 April 2015, and duty in Afghanistan
- Director, National Security Justice Development memorandum for record dated 4 August 2015, wherein, he states, on 25 May 2015, the applicant was located on Bagram Airfield, Afghanistan when they received indirect fire attacks; the applicant was subjected to imminent danger of being wounded, injured or killed
- Orders Number HR-5107-00014A01 dated 17 August 2015, which amended Orders Number HR-5107-00014, by changing the:
  - End Date to 6 September 2015
  - Tour Length to 136
  - Purpose to CO-ADOS in support of Operation Freedom's Sentinel
- Orders Number HR-5107-00014A02 dated 21 August 2015, which amended Orders Number HR-5107-00014, by changing the:
  - End Date to 31 December 2015
  - Tour Length to 252
- Defense Finance and Accounting Service Military Leave and Earnings Statement dated 4 September 2015, which shows the applicant received hostile fire pay 1-2 May 2015 in the amount of \$15.00

- Orders Number HR-5107-00014A03 dated 29 September 2015, which amended Orders Number HR-5107-00014, by adding a line of accounting, "CIC", and additional instructions
- Orders Number HR-5107-00014A04 dated 15 October 2015, which amended Orders Number HR-5107-00014, by adding a travel fund cite and "SAF CIC"
- Orders Number HR-5107-00014A05 dated 12 November 2015, which amended Orders Number HR-5107-00014, by changing the DEMOBSTATION to Fort Bliss
- Orders Number 329-0033 dated 25 November 2015, which released the applicant from active duty and assigned him to his USAR unit in NY, effective 18 January 2016
- DD Form 214 (Certificate of Release or Discharge from Active Duty) ending on 18 January 2016, which shows he entered active duty this period on 24 April 2015 and completed 8 months and 25 net active service this period; it shows in item:
  - 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) – no entry for the CAB
  - 18 (Remarks) – he served in Afghanistan from 2 May 2015 to 7 November 2015
- Automated Record Brief dated 20 May 2020, which shows, overseas assignments, deployments, combat duty, assignment information, awards and decorations, military and civilian education, and service data
- Applicant's memorandum - Subject: Request for Retroactive Award of the CAB, dated 24 May 2020, requesting the endorsement of his chain of command for retroactive award of the CAB; the applicant enclosed materials referencing his Afghanistan deployment and he described the events on 25 May 2015
- Witness statements, 20 and 27 May 2020, stating in part, on 25 May 2015, the applicant, along with other military and civilian personnel, was in his assigned billeting area Containerized Housing Units (CHU) when the enemy engaged the base with indirect fire
  - The points of impact were extremely close to the applicant's CHU and the enemy destroyed several nearby CHUs in the attack
- DA Form 4187 (Personal Action) dated 4 June 2021, requesting the applicant be awarded the CAB; date of engagement 25 May 2015, location Bagram Airfield
- Witness statement dated 4 and 29 November, 3 December 2021, which reiterate and support the previous witness statements; one witness stated the point of impact was approximately 30 meters from the applicant's CHU
- Applicant's Memorandum - Subject: Request for Retroactive Award of the CAB, dated 12 December 2021, requesting the endorsement of his chain of command for retroactive award of the CAB; the applicant enclosed materials referencing his

Afghanistan deployment and he described and detailed the events that occurred on 25 May 2015

- U.S. Army Human Resources Command Memorandum – Subject: Request for Award of the CAB for [Applicant], dated 26 April 2022, wherein, the Chief, Awards and Decorations Branch stated:
  - The request for retroactive award of the CAB to applicant for service performed in support of Operation Enduring Freedom is disapproved; the documentation submitted in support of this request does not provide sufficient justification to warrant retroactive approval for this event
  - The Army CAB was created in 2005 by the Chief of Staff, Army to provide special recognition to Soldiers who personally engage, or are personally engaged by the enemy
  - The CAB is intended to serve as a companion to the Combat Infantry Badge and Combat Medical Badge to recognize the greatly expanded role of non-infantry Soldiers in active, ground combat
  - Policy in Army Regulation (AR) 600-8-22 (Military Awards), paragraph 8-8, requires that a Soldier must be personally present and under hostile fire while performing satisfactorily in accordance with the prescribed rules of engagement
- Email communication dated 22 September, 20 December 2021 and 12 January 2022, between the applicant and G1 sergeant major discussing the submission, requirements and correction of his CAB request

#### 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 requests to be awarded the CAB
- He asserts that he has met the requirements for award of the CAB and the Service's denial is incorrect and unjust
- He was personally present and under hostile fire performing satisfactorily in accordance with the prescribed rules of engagement

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

- Having prior U.S. Marine Corps enlisted service, on 10 January 2013, DA Form 71 (Oath of Office – Military Personnel) shows the applicant was appointed as a Reserve commissioned officer and executed his oath office
- On 17 April 2015, Orders Number HR-5107-00014 ordered the applicant to CO-ADOS in support of OEF for 365 days with a report date to Fort Bliss on 24 April 2015 and duty at Kabul, Afghanistan
- On 18 January 2016, the applicant was honorably released from active duty and was transferred to his USAR unit in NY; he completed 8 months and 25 days net active service this period; his DD Form 214 shows in item:
  - 13 – no entry for the CAB
  - 18 – he served in a designated imminent danger pay area and served in Afghanistan from 2 May 2015 to 7 November 2015
- The applicant is currently serving in the USAR

4. On 26 April 2022, the AHRC, Chief, Awards and Decorations Branch disapproved the applicant's request for retroactive award of the CAB for service performed in support of OEF. The AHRC official stated:

a. The documentation submitted in support of the request did not provide sufficient justification to warrant retroactive approval for the event.

b. The Army CAB was created in 2005 by the Chief of Staff, Army to provide special recognition to Soldiers who personally engage or are personally engaged by the enemy. The CAB is intended to serve as a companion to the Combat Infantry Badge and Combat Medical Badge to recognize the greatly expanded role of non-infantry Soldiers in active ground combat.

c. Policy in AR 600-8-22, paragraph 8-8, requires that a Soldier must be personally present and under hostile fire while performing satisfactorily in accordance with the prescribed rules of engagement.

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 ordered to CO-ADOS in support of OEF for 365 days at Kabul, Afghanistan. The Board noted the letter of support from the Director, National Security Justice Development, memorandum for record, dated 4 August 2015, wherein, he states, on 25 May 2015, the applicant was located on Bagram Airfield, Afghanistan when they received indirect fire attacks and he was subjected to imminent danger of being wounded, injured or killed. The Board also noted the witness statement dated 4 and 29 November, 3 December 2021, which reiterate and support the previous witness statements. Therefore, the Board determined, notwithstanding the advisory opinion from the AHRC, Chief, Awards and Decorations Branch, which denied his request, that the applicant 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. The applicant, in this case, was within a reasonable distance to the point of impact of the indirect fire munition. Based on this, the Board concluded the applicant was considered to have been directly engaged by the enemy and therefore award of the Combat Action Badge is 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 awarding the applicant the Combat Action Badge and adding it to his DD Form 214 for the period ending 18 January 2016.

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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. AR 600-8-22 (Military Awards), currently in effect, implements a part of the Army Awards Program. It prescribes Department of the Army policy, criteria, and procedures for individual and unit military awards and foreign decorations and badges. In pertinent part:

a. Paragraph 8-8 (Combat Action Badge) states, on 2 May 2005, the Chief of Staff of the Army approved the creation of the CAB to provide special recognition to Soldiers who personally engaged or are engaged by the enemy. The CAB is intended to serve as a companion to the CIB and CMB to recognize the greatly expanded role of non-infantry Soldiers in active ground combat.

b. The CAB is not intended to recognize Soldiers who simply serve in a combat zone or imminent danger area. Battle participation credit alone is not sufficient. The unit must have engaged or been engaged by the enemy.

c. Specific eligibility requirements include — (1) May be awarded to any Soldier. (2) A Soldier must be personally present and under hostile fire while performing satisfactorily in accordance with the prescribed rules of engagement in an area where hostile fire pay or imminent danger pay is authorized. "A Soldier must also be executing an offensive or defensive act while participating in combat operations, engaging, or being engaged by the enemy." A Soldier must be performing their assigned duties associated with the unit's combat mission in an area where hostile fire pay or imminent danger pay is authorized. The requirement for hostile fire pay or imminent danger pay does not apply to cases determined to be eligible under the conditions described in paragraph 3-8c.

3. AR 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. In pertinent part, the regulation states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. It will decide cases based on the evidence of record and it is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. Paragraph 2-11 states 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//