

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 August 2025

DOCKET NUMBER: AR20240013185

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release of Discharge from Active Duty) to show award of the Combat Action Badge.

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

- DD Form 149 (Application for Correction of Military Record) (2x)
- Self- Authored Letter
- Letter from U.S. Army Human Resources Command (HRC)
- Department of Veterans Affairs (VA) Letter
- VA Rating Letter
- DD Form 214
- DA Form 2823 (Sworn Statement)
- Army Board for Correction of Military Records (ABCMR) Decision Letter
- Temporary Change of Station Orders

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 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 that he was awarded the Combat Action Badge, and it was not listed on his DD Form 214. He was awarded the Combat Action Badge while deployed to Afghanistan for direct engagement with the enemy.

3. The applicant provides:

a. A letter from HRC dated 12 March 2024, informing the applicant that they were unable to take favorable action for his request of the Combat Action Badge. In accordance with Army Regulation (AR) 600-8-22 (Military Awards), paragraph 8-8, the Combat Action Badge is not intended to recognize an individual for unit battle participation or deployment to a combat zone. The Combat Action Badge is designed to

recognize non-infantry Soldiers, whose daily mission, similar to infantry, is to close with and destroy the enemy.

b. A VA letter dated 1 July 2024, shows the applicant is considered totally and permanently disabled with a service-connected evaluation of 90%.

c. A VA disability rating analysis shows the applicant is 70% service-connected for post-traumatic stress disorder (PTSD) among other ailments.

d. Two sworn statements detailing the events that took while deployed in Farah Province, Afghanistan, wherein mortar rounds landed beside the applicant's truck.

e. A letter from the ABCMR requesting additional documents to approve the request for the Combat Action Badge.

f. A copy of his Temporary Change of Station orders showing he was deployed to Afghanistan.

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

a. He enlisted in the Regular Army on 3 July 2007. He served in military occupational specialty 13B (Cannon Crewmember).

b. His Enlisted Record Brief shows he served in the Iraq from 17 March 2008 to 17 March 2009.

c. He was honorably released from active duty on 29 October 2011. His DD Form 214 shows he completed 4 year, 3 months, and 27 days of active service with 1 year, 10 months and 24 days of foreign service. It also shows that he was awarded, among other awards, the following:

- Afghanistan Campaign Medal with campaign star
- North Atlantic Treaty Organization (NATO) Afghanistan Service Medal

#### 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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The Board reviewed the applicant's statement as well as the supporting statements; however, the Board did not believe the criteria for award of the Combat Action Badge was met as the submitted documentation did not provide sufficient justification. 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 Combat Action Badge is not intended to recognize an individual for unit battle participation or deployment to a combat zone. The applicant, in this case, was not within a reasonable distance to the point of impact of the indirect fire munition. Based on this, the Board concluded the applicant was not considered to have been directly engaged by the enemy. Therefore, the evidence indicates he did not meet all of the eligibility criteria for award of the Combat Action Badge.

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.

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| <p><b>X</b> //SIGNED//</p> |
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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 (Military Awards) states the requirements for award of the Combat Action Badge are branch and MOS 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 Combat Action Badge. However, it is not intended to award the Combat Action Badge to all Soldiers who serve in a combat zone or imminent danger area. The Soldier must be performing assigned duties in an area where hostile fire pay, or imminent danger pay is authorized. The 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. The Soldier must [not] be assigned or attached to a unit that would qualify the Soldier for the Combat Infantryman Badge or the Combat Medical Badge. Award of the Combat Action Badge is authorized from 18 September 2001 to a date to be determined. Award for qualifying service in any previous conflict is not authorized. Retroactive awards of the Combat Action Badge are not authorized prior to 18 September 2001.

//NOTHING FOLLOWS//