

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 August 2025

DOCKET NUMBER: AR20250000975

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show award of the Purple Heart (PH) and Combat Action Badge (CAB).

APPLICANT'S SUPPORTING DOCUMENT CONSIDERED BY THE BOARD: DD Form 149 (Application for Correction of Military Record).

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, in effect, his records do not contain award of the PH and CAB. He was injured in combat by an improvised explosive device and wants it reflected in his records.
3. The applicant indicated on his DD Form 149 that he provided the award for the PH; however, none was found. On 11 July 2025, the Director, Case Management Division, Army Review Boards Agency, requested the applicant provide a copy of his evidence to no avail.
4. The applicant enlisted in the Regular Army on 16 November 2006. He served in military occupational specialty 11B (Infantryman). Evidence shows he served in Afghanistan from 15 July 2009 to 11 February 2010.
5. On 12 September 2010, he was honorably released from active duty upon the completion of his required active service. The DD Form 214 he was issued shows he was awarded or authorized the:
 - Afghanistan Campaign Medal with Campaign Star
 - Army Good Conduct Medal
 - National Defense Service Medal

- Global War on Terrorism Service Medal
- Army Service Ribbon
- Overseas Service Ribbon
- North Atlantic Treaty Organization Medal
- Combat Infantryman Badge
- Drive and Mechanic Badge with Driver Wheeled Vehicle clasp

6. His Official Military Personnel File contains a copy of his Combat Infantryman Badge orders which shows he was assigned to Company C, 4th Battalion, 23rd Infantry Regiment, Task Force Stryker, while serving in Afghanistan for engaging or being engaged by the enemy.

7. By regulation, the PH is awarded for a wound sustained in action against an enemy or as a result of hostile action. Substantiating evidence must be provided to verify:

- the wound was the result of hostile action
- the wound must have required medical treatment
- the medical treatment must have been made a matter of official record

8. 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. The applicable regulation states, in pertinent part, that in order to qualify for the CAB, a member must be performing assigned duties in an area where hostile fire pay or imminent danger pay is authorized; he/she must be personally present and under hostile fire while performing satisfactorily in accordance with the prescribed rules of engagement; and he/she must not be assigned or attached to a unit that would qualify the Soldier for the Combat Infantryman Badge or Combat Medical Badge.

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.

a. Combat Action Badge. Deny. The Board noted the applicant deployed to Afghanistan from 15 July 2009 to 11 February 2010. However, there were no orders in his records to show he was awarded, met the regulatory guidance or criteria for the award of the Combat Action Badge; Therefore, the Board determined his request for the Combat Action Board was not warranted and denied relief.

b. Purple Heart. Deny. The Board noted the applicant’s contention that he was awarded the Purple Heart for the injuries he incurred due to an improvised explosive device while in combat in Afghanistan. However, the Board noted that there were no orders or citation in his records to show he was entitled to the award of the Purple Heart. The Board determined to be awarded the Purple Heart, the regulatory guidance requires all elements of the award criteria to be met; there must be proof a wound was incurred as a result of enemy action, that the wound required treatment by medical personnel, and that the medical personnel made such treatment a matter of official record. The Board did not find documentary evidence that clearly or explicitly shows criteria for award of the Purple Heart. Based on the evidence, the Board determined the applicant does not meet the criteria for award of the Purple Heart and denied relief.

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.

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.

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) prescribes policies and procedures for military awards and decorations, to include the PH.

a. The PH is awarded for a wound sustained while in action against an enemy or as a result of hostile action. Substantiating evidence must be provided to verify the wound was the result of hostile action, the wound must have required treatment by medical personnel, and the medical treatment must have been made a matter of official record.

b. When contemplating an award of this decoration, the key issue that commanders must take into consideration is the degree to which the enemy caused the injury. The fact that the proposed recipient was participating in direct or indirect combat operations is a necessary prerequisite but is not the sole justification for the award.

c. Examples of enemy-related injuries which clearly justify award of the PH are as follows:

- Injury caused by enemy bullet, shrapnel, or other projectile created by enemy action
- Injury caused by enemy-placed trap or mine.
- Injury caused by enemy-released chemical, biological, or nuclear agent.
- Injury caused by vehicle or aircraft accident resulting from enemy fire.
- Concussion injuries caused as a result of enemy-generated explosions.
- Mild traumatic brain injury or concussion severe enough to cause either loss of consciousness or restriction from full duty due to persistent signs, symptoms, or clinical finding, or impaired brain function for a period greater than 48 hours from the time of the concussive incident

3. Army Regulation 600-8-22 state 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 not be assigned or attached to a unit that would qualify the Soldier for the Combat Infantryman Badge/Combat Medical Badge. For example, an 11B 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.

4. Army Regulation 15-185 prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR 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.

//NOTHING FOLLOWS//