

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 21 May 2024

DOCKET NUMBER: AR20230000358

APPLICANT REQUESTS: in effect, a personal appearance before the Board and correction of his DD Form 214, Armed Forces of the United States Report of Transfer or Discharge, to add the following awards:

- Army Service Ribbon
- Army Good Conduct Medal
- Overseas Service Ribbon
- Weapons Qualification Badges
- All unit awards

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

- 2-DD Forms 149, Application for Correction of Military Record (duplicate)
- Special Orders Number 96, 13 May 1959
- DD 214, 15 May 1959
- National Archives and Records Administration (NARA)-Military Personnel Records Search Request, 10 May 2018
- Key Punch Operator's-Information Sheet, 16 May 2018
- Department of Veterans Affairs (VA)-Request for Information, 19 September 2018
- VA Form 21-22, VA-Appointment of Veterans Service Organization as Claimant's Representative, 19 September 2022
- Congressional Privacy Release Form, 30 November 2022
- Veterans Service Office letter, 30 November 2022
- Congressional Liaison and Inquiries (CLI) letter, 11 January 2023
- CLI letter, 17 January 2023

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 DD Form 214 does not accurately reflect his military service and it is important to him that his family and future generations have access to accurate information.

3. The applicant's military records are not available for review. However, the applicant provided a copy of his DD Form 214 and supporting documents for the Board's consideration.

4. His DD Form 214 shows –

a. The applicant was serving in the U.S. Army Reserve when he was called to active duty on 22 May 1957 for a period of two years. The highest grade attained was specialist four/E-4 (temporary).

b. He held military occupational specialty 633.10, recovery specialist.

c. The applicant's last duty assignment was with the 585th Ordnance Company (R&C), APO 46 (Sandhofen, Germany). The dates of his assignment are not shown on the DD Form 214 or his supporting documents.

d. On 15 May 1959, he was released from active duty by reason of early separation -overseas returnee, and he was returned to the USAR to complete his remaining service obligation.

e. His DD Form 214 shows he completed 1 year, 11 months, and 24 days of total active service of which 1 year, 5 months, and 27 days was foreign and/or sea service. His service was characterized as honorable. There are no awards, decorations or badges listed on the DD Form 214.

6. The applicant provided:

a. Special Orders Number 96, 13 May 1959, published by U.S. Army Personnel Center (Field), Fort Jackson, SC. These orders released him from assignment with the Pipeline Company and assigned him to the USAR Control Group (Annual Training), effective 15 May 1959.

b. VA and congressional inquiries pertaining to the request for records and assistance with correcting his military records.

7. A review of the U.S. Army Center of Military Lineage Information did not reveal any unit awards for the 585th Ordnance (Reclamation & Classification) Company.

8. Regulatory guidance provides the Army Good Conduct Medal was awarded for each three years of continuous enlisted active Federal military service completed on or after 27 August 1940; for first award only, one year served entirely during the period 7 December 1941 to 2 March 1946; and, for the first award only, upon termination of service on or after 27 June 1950 of less than three years but more than one year. The individual must have no court-martial convictions and excellent conduct and efficiency ratings.

9. The requirement for the eligibility for personal awards are listed in AR 600-8-22 and AR 600-65.

10. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. 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.

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 applicant served on active duty from May 1957 to May 1959.

a. Army Service Ribbon: Deny. This award was created in 1981. The applicant was not in an active status then.

b. Army Good Conduct Medal: Deny. The applicant's conduct and efficiency ratings are unknown. The Board cannot establish his eligibility without his conduct and efficiency ratings.

c. Overseas Service Ribbon: Deny. This award was created in 1981. The applicant was not in an active status then.

d. Weapons Qualification Badges: Deny. The applicant does not provide a firing record or weapons qualifications record that shows a specific weapon system and degree of qualification.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	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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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 Army Board for Correction of Military Records (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 (AR) 600-65, Service Medals, in effect at the time, stated the Army Good Conduct Medal was awarded for each three years of continuous enlisted active Federal military service completed on or after 27 August 1940; for first award only, one year served entirely during the period 7 December 1941 to 2 March 1946; and, for the

first award only, upon termination of service on or after 27 June 1950 of less than three years but more than one year.

a. A Soldier's conduct and efficiency ratings, including those pertinent to attendance at service schools, must have all been recorded as "excellent" or higher, except that ratings of "Unknown" for portions of the period under consideration, and service school efficiency (emphasis in the original) ratings of less than "excellent" entered prior to 3 March 1946, would not be disqualifying.

b. There must have been no convictions by court-martial. However, there was no right or entitlement to the medal until the immediate commander made a positive recommendation for its award and until the awarding authority announced the award in general orders.

3. AR 600-8-22, Military Awards, states:

a. The Army Service Ribbon was established by the Secretary of the Army on 10 April 1981. Effective 1 August 1981, all members of the Active Army, Army National Guard, and Army Reserve in an active Reserve status are eligible for the award upon successful completion of initial entry training. The award may be awarded retroactively to those personnel who completed the required training before 1 August 1981 provided they had an Active Army status on or after 1 August 1981.

b. The Overseas Service Ribbon was established by the Secretary of the Army on 10 April 1981. Effective 1 August 1981, all members of the Active Army, Army National Guard, and Army Reserve in an active Reserve status are eligible for the award for successful completion of overseas tours. The award may be awarded retroactively to those personnel who were credited with a normal overseas tour completion before 1 August 1981 provided, they had an Active Army status on or after 1 August 1981.

c. The qualification badge is awarded to indicate the degree – Expert, Sharpshooter, and Marksman - in which an individual has qualified in a prescribed record course. An appropriate bar is furnished to denote each weapon with which the individual has qualified.

4. AR 670-1, Uniforms and Insignia, governs the requirements for the Overseas Service Bar (World War II, Korean Service, Vietnam Service and the Dominican Republic). It states a bar is authorized for wear for each period of active Federal service as a member of the U.S. Army outside of the continental limits of the United States for the specific time frames and areas of operation cited in AR 670-1 or appropriate Department of the Army message. There are special provisions regarding authorization for the Overseas Service Bar for service in a hostile fire zone and for combining service to calculate award of the bars.

5. A review of the U.S. Army Center of Military Lineage Information did not reveal any unit awards for the 585th Ordnance (Reclamation & Classification) Company.

6. AR 15-185, ABCMR, prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. 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. Additionally, applicants may be represented by counsel at their own expense.

//NOTHING FOLLOWS//