

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 November 2023

DOCKET NUMBER: AR20230004281

APPLICANT REQUESTS: in effect, correct his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show his already-awarded Meritorious Service Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- National Personnel Records Center (NPRC) letter
- DD Form 214
- Letter of Appreciation
- V Corps Certificate of Achievement with forwarding memorandum and indorsements
- U.S. Naval School Diver Second Class Certificate of Completion

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). 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 the Army honorably discharged him in June 1972; as he left his unit, they gave him a DD Form 214, and he went home. A month later, he received a package from his former commander that contained a document recognizing him for meritorious service, and there was a medal; the package also included supporting letters from officers who were in agreement. The applicant asks that his DD Form 214 now be corrected to reflect this award.

a. The applicant notes that his home State recently began offering free license plates to Veterans who had received military awards. Not only are the license plates now free, but they will also display the medal received.

b. The applicant adds that the NPRC sent him a letter stating the award he received was never placed in his service record; it took the NPRC 1 year and 7 months to tell him this, and if the Board is unable to correct his records and issue him a DD Form 215 (Correction to DD Form 214), he asks that the NPRC be notified.

3. The applicant provides additional details and arguments in a self-authored letter, in which he writes:

a. After the Army stationed the applicant in Germany, they gave him an "early out" due to funding cutbacks; he left the Army during a confusing time, in that some anti-American groups were making bomb threats against units in Germany. As a result of those circumstances, the applicant believes his separation processing was rushed.

b. Upon returning home, the applicant received the aforementioned package; inside the packet was a certificate indicating he had been awarded the "Meritorious Service Award." He has included a copy of the documents in the package and reiterates that his DD Form 214 does not reflect this award.

c. In 1969, the applicant tried to enlist in the U.S. Navy. He wanted to be a part of the Navy's UDT (Underwater Demolition Team), and he points out he was already a certified diver; however, the Navy could not make any guarantees, so he joined the Army instead. After basic combat training, the Army sent him to San Diego, CA for Navy Dive training, and he volunteered to be a diver (one of the Army's most dangerous jobs, due to the high mortality rate for deep-sea divers).

d. The applicant is now in his 70s, and he has some health problems; granting his request will mean he will be able to take advantage of the benefits available to him, even though it may only be for a short time. The applicant states, "I would appreciate getting this corrected soon. I'm not sure if your agency can correct my DD-214 and send it to me or whether all you can do is approve the correction and notify the National Archives so they can complete my request. I'm tired of not being able to use my benefits."

4. The applicant submits documents as evidence, which include the following:

a. Letter of Appreciation dated 20 June 1972 and signed by the applicant's former company commander. The commander expressed his "deep appreciation and sadness" in trying to convey "in mere words to tell you what your contribution to this unit has meant to me...." The commander observed that, although the applicant came to the unit as a trained diver, the unit needed administrative help, and, with no prior knowledge of the job's requirements, the applicant assumed the task without hesitation. After the applicant left, the unit felt a "very deep void," and the commander added, "you have no peers in the administrative field. The 1SG and I have conversed many times on the

subject, and he stated that as long as he had been in the military, he had never had the pleasure of working with a more capable person than yourself." The commander closed by stating, "I am enclosing the V Corps Certificate of Achievement, which you so richly deserve."

b. V Corps Certificate of Achievement, dated 8 June 1972 and signed by the applicant's brigade commander; the certificate was for "meritorious service while assigned to (an engineer battalion) from 3 March 1971 to 24 May 1972." (The applicant has underlined "meritorious service" in red).

c. NPRC letter, dated 4 January 2023, in which NPRC states, "We regret that no documentation was found authorizing the requested Meritorious Service Award in the personnel record in our holdings."

5. A review of the applicant's service record reveals the following:

a. On 24 October 1969, the applicant enlisted into the Regular Army for 3 years; upon completion of initial entry training and the award of military occupational specialty 00B (Diver), orders assigned the applicant to a transportation company at Fort Eustis, VA; he arrived at his new unit, on 22 May 1970.

b. In or around November 1970, the applicant participated in a multi-agency manned undersea program; the program, conducted in the Virgin Islands, involved eleven Federal agencies and over 25 academic institutions. In January 1971, program manager wrote a letter to the Secretary of the Army lauding the applicant and the 13 other Army divers for the role they had played in supporting the program. The Secretary of the Army, in turn, forwarded the letter through the Army Chief of Staff to the applicant's unit; each level of command added expressions of appreciation for the Soldiers' and applicant's outstanding duty performance.

c. On 27 February 1971, based on Army reassignment instructions, the applicant arrived in Germany, and, effective on or about 2 March 1971, orders further assigned him to an engineer company. In or around June 1972, the applicant completed his tour in Germany, and orders transferred him to Fort Jackson, SC for separation processing.

d. On 2 June 1972, the Army honorably released the applicant from active duty and transferred him to the U.S. Army Reserve to complete his remaining military service obligation. His DD Form 214 shows he completed 2 years, 7 months, and 11 days of his 3-year enlistment contract. Item 24 (Decorations, Medals, Badged, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) lists the National Defense Service Medal and a marksmanship qualification badge.

e. The applicant's service record is void of General Orders awarding him the Meritorious Service Medal. His DA Form 20 (Enlisted Qualification Record) reflects the following additional information:

(1) Item 38 (Record of Assignments – Conduct – Efficiency) – The applicant earned "Excellent" ratings throughout his term of active duty service.

(2) Item 41 (Awards and Decorations) – National Defense Service Medal and a marksmanship qualification badge.

6. The ABCMR does not grant requests solely to make someone eligible for Veterans' benefits; however, in reaching its determination, the Board can consider the applicant's petition, his evidence and assertions, and his service record in accordance with the published guidance on equity and injustice.

7. During the applicant's era of service, Army Regulation (AR) 672-5-1 (Awards), prescribed policies and procedures for military awards; it stated the following:

a. Established by Executive Order in January 1969, the Meritorious Service Medal was awarded to members of the Armed Forces of the United States who had distinguished themselves by outstanding meritorious achievement or service. After 16 January 1969 but prior to 11 September 2001, the Meritorious Service Medal was authorized to be awarded only for meritorious service or achievement while serving in a non-combat area. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders were required.

b. Commanding officers could recognize periods of faithful service, acts, or achievements that did not meet the standards required for personal decorations (to include the Meritorious Service Medal) by issuing a Certificate of Achievement; commanders could use either a form devised locally or a DA Form 2442 (Department of the Army Certificate of Achievement).

c. The Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940. For the first award only, commanders could award the Army Good Conduct Medal, upon termination of the Soldier's service on or after 27 June 1950, if he or she had served less than 3 years but more than 1 year. Additionally, the Soldier had to have had all "Excellent" conduct and efficiency ratings and no court-martial convictions.

8. AR 635-5 (Separation Documents), in effect at the time, prescribed policies and procedures for the preparation of the DD Form 214. With regard to entries for item 24 (Decorations, Medals, Badged, Commendations, Citations, and Campaign Ribbons

Awarded or Authorized), the regulation required DD Form 214 preparer to refer to the Soldier's DA Form 20 for all authorized decorations, service medals, and badges.

9. AR 600-200 (Enlisted Personnel Management), in effect at the time, included instructions for the completion of DA Forms 20. Concerning item 41 (Awards and Decorations), the regulation stated, "Enter all awards, decorations, service medals, Good Conduct Medals, badges, and citations, including unit citations, which the individual is authorized. Letters of commendation (and) certificates of achievement...will not be entered."

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that a portion of relief was warranted. The Board carefully considered the applicant's contentions, the military record and regulatory guidance. The Board agreed that documentation available for review did not reveal sufficient evidence that the applicant met applicable regulatory guidance for the award of the Meritorious Service Medal.

2, However, prior to closing the case, the Board agreed the review of his record revealed a correction not otherwise requested. As the applicant's record reflects all "excellent" in accordance with applicable regulatory guidance, the applicant is eligible for the Army Good Conduct Medal and a correction to his record is warranted.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

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: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending his DD214 to show the award of the Army Good Conduct Medal for exemplary service from 24 October 1969 to 2 June 1972.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to any other relief not stated above.

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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, USC, 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 672-5-1 (Awards) prescribed policies and procedures for military awards. It stated the following:
 - a. Established by Executive Order in January 1969, the Meritorious Service Medal was awarded to members of the Armed Forces of the United States who had distinguished themselves by outstanding meritorious achievement or service. After 16 January 1969 but prior to 11 September 2001, the Meritorious Service Medal was authorized to be awarded only for meritorious service or achievement while serving in a non-combat area. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders were required.
 - b. Commanding officers could recognize periods of faithful service, acts, or achievements that did not meet the standards required for personal decorations, such as the Meritorious Service Medal, by issuing a Certificate of Achievement; commanders could use either a form devised locally or a DA Form 2442 (Department of the Army Certificate of Achievement).
 - c. The Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940. For the first award only, commanders could award the Army Good Conduct Medal, upon termination of the Soldier's service on or after 27 June 1950, if he or she had served less than 3 years but more than 1 year. Additionally, the Soldier had to have had all "Excellent" conduct and efficiency ratings and no court-martial convictions.
3. AR 635-5 (Separation Documents), in effect at the time, prescribed policies and procedures for the preparation of the DD Form 214. With regard to entries for item 24 (Decorations, Medals, Badged, Commendations, Citations, and Campaign Ribbons Awarded or Authorized), the regulation required DD Form 214 preparer to refer to the Soldier's DA Form 20 for all authorized decorations, service medals, and badges.
4. AR 600-200 (Enlisted Personnel Management), in effect at the time, included instructions for the completion of DA Forms 20. Concerning item 41 (Awards and Decorations), the regulation required the entry of all awards, decorations, service medals, Good Conduct Medals, badges, and citations, including unit citations, which the

individual is authorized. Letters of commendation certificates of achievement were not to be entered.

//NOTHING FOLLOWS//