

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 January 2023

DOCKET NUMBER: AR20230006360

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate or Release or Discharge from Active Duty) for the period ending 31 August 1992 by:

- adding the Air Medal
- adding the Bronze Star Medal with "V" Device and 4th Oak Leaf Cluster (OLC)
- adding the Army Commendation Medal with "V" Device and 2nd OLC
- adding the Republic of Vietnam Gallantry Cross with Bronze Star
- adding the Republic of Vietnam Gallantry Cross with Palm unit Citation
- correcting his rank to read Command Sergeant Major (CSM)

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

- DD Form 149 (Application for Correction of Military Record)
- List of Awards and Decorations
- General Orders (GO) Number 12728 Award of the Air Medal, 17 July 1970
- GO Number 13060 Award of the Army Commendation medal with "V" Device, 21 July 1970
- GO Number 15177 Award of the Bronze Star Medal with "V" Device for Heroism, 18 August 1970
- GO Number 15524 Award of the Bronze Star Medal with "V" Device for Heroism, 21 August 1970
- GO Number 18908 Award of the Bronze Star Medal with "V" Device for Heroism, 3 November 1970
- GO Number 19097 Award of the Bronze Star Medal with "V" Device for Heroism, 5 November 1970
- GO Number 19213 Award of the Army Commendation Medal with "V" Device, 6 November 1970
- GO Number 20509 Award of the Bronze Star Medal, 24 November 1970
- Memorandum, Subject: Authorization for Individual Foreign Award, 16 January 1971
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), 20 April 1972
- DD Form 214 (Report of Separation from Active Duty), 23 March 1978

- Permanent Orders Number 98-1 Award of the Army Commendation Medal, 14 June 1978
- Permanent Orders Number 14-4 Award of the Army Commendation Medal, 25 January 1989  
Permanent Orders Number 36-1, 28 March 1989
- Fort Bliss CSM Selectees, 12 February 1992
- Letter to Applicant Promotion to CSM, 14 May 1992
- Letter to Applicant Congratulation on Selection for CSM, 14 May 1992
- DD Form 214, ending on 31 August 1992

#### FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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's service record was not available for the Board's consideration due to it being signed out to another organization, however, the documentation provided by the applicant is sufficient to allow the Board to make a determination in his case.
3. In regard to the applicant's request for the Air Medal, Bronze Star Medal with "V" Device 4th OLC, Republic of Vietnam Gallantry Cross with Bronze Star, no corrective action is needed as these awards are listed on his DD Form 214 ending on 20 April 1972. In regard to the applicant's request for the Vietnam Gallantry Cross with Palm Unit Citation no corrective action is needed as it is listed on his DD Form 214 ending on 23 March 1978. The applicant's request for the Army Commendation Medal with "V" Device 3rd OLC will be administratively corrected. These requests will not be before the purview of the Board. The Board will make a determination regarding correcting his DD Form 214, ending on 31 August 1992 to show his rank as CSM.
4. The applicant states, in effect:
  - a. There are errors in his awards. His missing awards are the Air Medal, Bronze Star Medal with "V" Device 4th OLC, Army Commendation Medal with "V" Device 2nd OLC, Republic of Vietnam Gallantry Cross with Bronze Star, Republic of Vietnam Gallantry Cross with Palm Unit Citation. The Commanding General promoted him to CSM. His orders for CSM were lost in a flood a few years ago.
  - b. He knows it has been a very long time. He is just trying to get his records straight for his children to have when he is gone.

c. The applicant was not ready to leave the service when he did. He had orders for Germany and his wife said she was not going. If he went without her there was a good chance they would not have remained married. He had already been divorced two times and lost a girlfriend he thought he would have married. He did not want to repeat that with his wife.

d. The day he processed out of the Army, he was angry. Angry at himself, his wife, and the whole thing. He did not check his DD Form 214, when he signed it. He did not want to get in trouble and the clerk processing him was really pushing his limit. He had just made CSM, and he was very upset with his decision. However, he had to weigh the military and family, so he processed out, which was a very big mistake. All he wants now is to set the record right.

e. He has orders for all the awards. He just wants to correct his DD Form 214.

5. On 16 June 1969, the applicant enlisted in the Regular Army and had continuous service until his length of service retirement.

6. On 1 February 1989, the applicant was promoted to the rank/grade of sergeant major (SGM)/E-9.

7. On 31 August 1992, the applicant was honorably retired from active duty. DD Form 214, item 4a (Grade, Rate or Rank) shows "SGM."

8. In regard to the applicant's request for correction of his rank, he provides the following documents:

a. Fort Bliss, CSM Selectees, dated 12 February 1992, which shows the applicant's name and his unit as the U.S. Army Sergeants Major Academy, Fort Bliss, TX.

b. Letter from the Commanding General and Post Command Sergeant Major, Headquarters, U.S. Army Air Defense Artillery Center and Fort Bliss, dated 14 May 1992, states congratulations on your selection for promotion to CSM.

c. Letter from the Commandant of Headquarters, U.S. Army Sergeants Major Academy, dated 14 May 1992, states the commandant congratulated the applicant on his selection for CSM.

d. The applicant did not provide documentation showing he was laterally appointed to the rank of CSM.

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 considered his period of service, awards received and additional supporting documentation as available. The Board considered that portion of the applicant's request pertaining to a correction to his record to show his rank as Command Sergeant Major. The Board noted two letters dated 1 May 1992 congratulating him on his promotion to CSM. However, although the evidence shows the applicant was selected for CSM, the Board found insufficient evidence that the applicant served in a CSM position and held the rank of CSM during the period of service on his DD Form 214.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:            :            :            GRANT FULL RELIEF

:            :            :            GRANT PARTIAL RELIEF

:            :            :            GRANT FORMAL HEARING

█           █           █           DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. 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.

2. Prior to closing the case, the Board did note the analyst of record administrative notes below referencing corrections to the applicant's DD214 which will more accurately depict the military service of the applicant.

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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.

ADMINISTRATIVE NOTE(S):

Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending August 31, 1992, by:

a. Deleting in item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized): Army Commendation Medal with "V" Device.

b. Adding in item 13: Army Commendation with Medal "V" Device 3rd OLC.

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.

- General Orders Number 13060, Award of the Army Commendation Medal with "V" Device
- General Orders Number 19213, Award of the Army Commendation Medal with "V" Device
- Permanent Orders Number 98-1, Award of the Army Commendation Medal 2nd OLC
- Permanent Orders Number 14-4, Amended by Permanent Orders Number 26-1, Award of the Army Commendation 3rd OLC
- DD Form 214, 31 August 1992

3. Please correct the applicant's DD Form 214 by completing the actions in paragraph 1a and b above. Provide the applicant a copy of the corrections, and as applicable the medals and citations. Please ensure that the corrections are recorded in the applicant's official military personnel record.

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. Army Regulation (AR) 635-200 (Personnel Separations Enlisted Personnel) sets policies, standards, and procedures to insure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. it states:

a. Noncommissioned Officers holding the grade of SGM will be placed on the retired list in the grade title CSM if:

(1) They were released from the CSM Program on or after 13 July 1967 only because of an assignment limiting physical condition incurred in the line of duty.

(2) They served satisfactorily as CSM.

b. Soldiers released from the CSM program because of the following reasons cannot be placed on the retired list in the grade title of CSM. When information in field records is insufficient to determine the Soldiers eligibility for such grade title:

(1) Soldiers released because of inadequate performance of duty.

(2) Soldiers who voluntarily withdraw for reasons other than initiated in a above.

c. Retirement orders on eligible Soldiers will show active duty as SGM and placement on the retired list as CSM.

3. AR 635-5 (Separation Documents) prescribes the transition processing function of the military personnel system. The DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. Block 4 (Grade, Rate, or) states enter active duty grade or rank and pay grade at time of separation.

//NOTHING FOLLOWS//