

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 January 2024

DOCKET NUMBER: AR20230006625

APPLICANT REQUESTS: reconsideration of his earlier request for correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show award of the Army Superior Unit Award.

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

- DD Form 149 (Application for Correction of Military Record), 6 March 2023
- Headquarters, Department of the Army General Orders Number 8, 15 April 1991

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20210009716, 31 January 2022.

2. The applicant states, he was assigned to Field Station Berlin, Germany from 1989 to 1991. General Orders Number 8, 15 April 1991 awarded the ASUA to his unit for service from 1 January 1989 to 31 December 1989. He was assigned there at that time.

3. The applicant provided his DA Form 149 application and statement outlined above, and a copy of General Orders Number 8 issued by HQDA, 15 April 1991.

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

a. On 14 April 1987, he enlisted in the Regular Army following a period of service in the Florida Army National Guard. He held military occupational specialty (MOS) 29F, Field Communications Equipment Repairer.

b. His DA Form 2-1 (Personnel Qualification Record - Part II) shows in

(1) Block 5 (Oversea Service) - service in Germany, 20 March 1990 to 26 June 1991

(2) Block 35 (Current and Previous Assignments):

- on 6 February 1989 he was enroute to Berlin (unit not indicated)
- on 27 December 1989, he was assigned to U.S. Army Detachment, Keesler AFB, MS, in the duty MOS of student
- on 13 March 1990, he was enroute to Berlin
- on 22 March 1990 he was assigned to U.S. Army ISC (Presumably Army Security Agency), Berlin, Germany in the duty MOS Fixed Communications Security Equipment Repairer
- on 26 June 1991, he was enroute to the Continental United States
- on 12 July 1991 (should show 3 July 1991), he was honorably discharged

c. His DD Form 214, 3 July 1991, shows he was honorably discharged from active duty. His awards and decorations included:

- Army Service Ribbon
- National Defense Service Medal
- Army Good Conduct Medal (2nd Award)
- Army Achievement Medal (3rd Award)
- Overseas Service Ribbon with Numeral 2
- Expert Marksmanship Qualification Badge with Grenade Bar and Rifle Bar (M-16)
- Parachutist Badge

5. On 31 January 2022 and in ABCMR Docket Number AR20210009716, the Board denied his request for award of the ASUA based on lack of orders showing the applicant's unit was awarded this award during his service in the unit.

6. A DD Form 215 (Correction to DD Form 214) issued to him on 12 October 2022, did not include the award of the ASUA.

7. Army Regulation 600-8-22 (Military Awards), Appendix B, does not list award of the Army Superior Unit Award during the period of the applicant's assignment to the unit.

BOARD DISCUSSION:

1. 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 evidence show he used the contested last name during his service. There isn't at least one document in his available service record to corroborate the use of the requested last name during his service. 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. There is no evidence the

applicant used the requested last name during his military service. The Army has an interest in maintaining the integrity of its records for historical purposes. The information in those records must reflect the conditions and circumstances that existed at the time the records were created, unless there is sufficient evidence that shows a material error or injustice.

2. This Record of Proceedings, will be filed in his military record in order to provide clarity and to deal with any confusion that might arise regarding the difference in the last name. Filing the Board’s decisional document will also guarantee the historical accuracy of the applicant’s military record regarding the last name under which he served.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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. Army Regulation 15-185 (Army Board for Correction of Military Records) 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 applicant has the burden of proving an error or injustice by a preponderance of the evidence.
2. Army Regulation 600-8-22 (Military Awards), provides that the Army Superior Unit Award was created in 1985 to recognize outstanding meritorious performance by a unit in completing a difficult and challenging mission under extraordinary circumstances during peacetime. The criteria for award also requires that the unit display such outstanding devotion and superior performance so as to set it apart from and above other units with similar missions, defines "peacetime" as any period where wartime awards were not authorized in the geographic area in which the mission was executed, precludes award for purely humanitarian operations, and precludes award if the act has already been recognized by another unit award.
3. Army Regulation 635-5 (Separation Documents), in effect at the time, reads the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The information entered thereon reflects the conditions as they existed at the time of separation. In item 13, list all federally recognized awards/decorations for all periods of service.

//NOTHING FOLLOWS//