

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 January 2024

DOCKET NUMBER: AR20230006818

APPLICANT REQUESTS:

- Award of the Army Achievement Medal
- Award of the Army Commendation Medal
- Award of the Army of Occupation Medal of Germany

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Report of Separation from the Armed Forces of the United States)
- Laundry List for Enlisted Personnel
- Three (3) news articles

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, he believes his unit, 570th Transportation Company (TS), was awarded an Army Achievement Medal or Army Commendation Medal after he was separated. He may also meet the qualifications for award of the Army of Occupation Medal of Germany. He believes he should be awarded these medals for his time and honorable service in his unit.
3. The applicant provides:
 - a. DD Form 214, covering the period of 9 March 1954 and 25 February 1956.
 - b. Laundry List for Enlisted Personnel, dated 8 December 1955, reflects the applicant was assigned to the 570th Transportation Company.

c. Three (3) Stars and Stripes news articles titled as follows:

- 'Sky Sweepers' in Final Load of NODEX 11
- Cargo Games Teach Ship-to-Beach Landings
- Memorial Services for NODEX Dead Held At Rochetort

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

a. He was inducted into the Army of the United States on 9 March 1954.

b. His DD Form 214 shows he was honorably released from active military service and transferred to the U.S. Army Reserve Transportation Company on 25 February 1956 under the provisions of Army Regulation (AR) 635-250 (Personnel Separations Release to National Guard and Army Reserve) Section III and Special Regulation (SR) 615-360-5, Separation Program Number 04. He served 1 year, 11 months, and 17 days of net service this period and of the time, he served 1 year, 6 months, and 4 days of foreign and/or sea service. It also shows the following:

- Item 27 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized): National Defense Service Medal / Good Conduct Medal / Marksman (Carbine) / Sharpshooter (M-1)
- Item 28 (Most significant duty assignment): 570th Transportation Company (Term of Service), Cargo Checker

c. Certification of Military Service, which certifies the applicant was a member of the Army of the United States from 9 March 1954 to 24 February 1956. His service was terminated by honorable release from active duty.

d. XI U.S. Army Corps Discharge Letter Order Number 2549-3, dated 31 March 1962, Subject: discharge from the U.S. Army Reserve, under the provision of AR 140-1/8, by reason of Expiration Term of Service, he is removed from the Standby Reserve and honorably discharged from the U.S. Army Reserve.

e. National Personnel Records Center letter, dated 10 December 2021, reflects on the enclosed DA Form 1577 (Authorization for Issuance of Awards), provided with the letter, the following awards:

- Good Conduct Medal
- National Defense Service Medal
- Marksman Badge with Carbine Bar
- Sharpshooter Badge with Rifle

f. Return Statement, also enclosed with the National Personnel Records Center letter, dated 10 December 2021, states, "However upon further examination, we determined that your inquiry either lacks sufficient information to identify the record need to answer your inquiry or it lacks an appropriate signature or is a matter under the jurisdiction of another agency/office."

5. AR 600-8-22 (Military Awards) prescribes Department of the Army (DA) policy, criteria, and administrative instructions concerning individual and unit military awards. AR 672-20 provides implementing instructions for incentive awards, honorary awards and devices, awards from non-Federal organizations, and medals for public service. Chapter 3 governs the U.S. Army Individual Decorations, which include both the Army Commendation Medal and the Army Achievement Medal.

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 request, supporting documents, evidence in the record and that provided by the applicant. The Board agreed that the applicant served a period of time in the military as evidenced by a supporting DD214. However, the Board found insufficient evidence of a formal recommendation, approval through the chain of command and announcement in orders for the requested awards and none were provided by the applicant in consideration of the request. After due consideration of the request, the Board determined the evidence presented did not meet the burden of proof in determining the existence of an error or injustice and a recommendation for relief is not warranted.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
█	█	█	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined 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 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 600-8-22 (Military Awards) prescribes Department of the Army (DA) policy, criteria, and administrative instructions concerning individual and unit military awards.

a. Paragraph 3-1c states individual awards for service or achievement are intended to recognize significant contributions to the mission accomplishment, readiness, effectiveness, morale or esprit de corps of a unit or organization. Recommendations for awards must be justified by specific achievements, contributions or other notable impacts. The award should reflect both the individual's level of responsibility and manner of performance. Exceptional command or leadership at any level, in and of itself, may be considered meritorious achievement or service. Ultimately, individual awards for service or achievement will be performance based.

b. Paragraph 3-19b states the Army Commendation Medal is awarded to any Servicemember of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. Award may be made to a member of the armed forces of a friendly foreign nation who, after 1 June 1962, distinguishes himself or herself by an act of heroism, extraordinary achievement, or meritorious service, which has been of mutual benefit to a friendly nation and the United States.

c. Paragraph 3-20b states the Army Achievement Medal is awarded to any member of the Armed Forces of the United States, or to any member of the armed forces of a friendly foreign nation, who distinguished himself or herself by meritorious service or achievement of a lesser degree than required for award of the ARCOM.

d. Paragraph 5-8 states the Army of Occupation Medal was established by War Department General Orders 32, 1946. It is awarded for service for 30 consecutive days at a normal post of duty (as contrasted to inspector, visitor, courier, escort, passenger, TDY, or detached service) while assigned to the Army of Occupation of Germany (exclusive of Berlin) between 9 May 1945 and 5 May 1955. Service between 9 May and 8 November 1945 will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service before 9 May 1945.

//NOTHING FOLLOWS//