

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 April 2024

DOCKET NUMBER: AR20230007633

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) ending 15 August 2004 by adding the following awards:

- Army Achievement Medal
- Army Commendation Medal
- Army Good Conduct Medal

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

DD Form 149 (Application for Correction of Military Record)

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, he received a few awards that are not on his DD Form 214. He got out of the Army right after returning from Iraq in 2004. He would like the Army Achievement Medal, Army Commendation Medal, and Army Good Conduct Medal added to his DD Form 214. He was discharged right after Iraq kicked off; once he got home, he had a month to clear and complete his expiration term of service. Mistakes were made and he did not have time to make the proper adjustments. He is a proud Veteran and would like the recognition he feels he earned.
3. The applicant's service record shows he was awarded the Army Good Conduct Medal. This award will be administratively added to his DD Form 214 and will not be discussed further in these proceedings. The Board will make a determination regarding the applicant's request to add the Army Achievement Medal and Army Commendation Medal to his DD Form 214.
4. The applicant's service record contains the following documents:

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) dated 21 April 2000 shows the applicant enlisted in the Regular Army and entered active duty on 16 May 2000. DA Form 1695 (Oath of Extension of Enlistment) shows the applicant extended his enlistment in the Regular Army on 4 October 2003.

b. Permanent Orders 268-2, published by Headquarters, 2nd Chemical Battalion, dated 25 September 2003 shows the applicant was awarded the Army Good Conduct Medal for exemplary behavior, efficiency, and fidelity in the Active Federal Service from 17 May 2000 through 16 May 2003.

c. Orders 002-4, published by Cobra Detachment, 502nd Personnel Services Battalion, dated 2 January 2004 promoted the applicant to the rank of sergeant effective 1 January 2004 with a date of rank of 1 January 2004.

d. DA Form 2166-8 (Noncommissioned Officer Evaluation Report) dated June 2004 shows the applicant was rated as excellence in competence, training, and responsibility and accountability and as success in physical fitness and military bearing and leadership. His rater rated him among the best and his senior rater states unsurpassed by peers in technical knowledge. This document does not show he was awarded the Army Achievement Medal or the Army Commendation Medal.

e. DA Form 2-1 (Personnel Qualification Record) shows in item 9 (Awards, Decorations, and Campaigns) that he was awarded the Army Service Ribbon. It is void of award of the Army Achievement Medal and Army Commendation Medal.

f. DD Form 214 shows the applicant was honorably released from active duty due to the completion of his required active service on 15 August 2004. He completed 4 years and 3 months of net active service this period. This document does not reflect any foreign service time. He was awarded the Army Lapel Button, Global War on Terrorism Service Medal, National Defense Service Medal, and Army Service Ribbon. It is void of award of the Army Achievement Medal and Army Commendation Medal.

g. The applicant's service record was void of DA Forms 638 (Recommendation for Award), certificates or orders showing he was recommended for or awarded the Army Achievement Medal or Army Commendation Medal.

BOARD DISCUSSION:

1. The applicant's contentions, the military record, and regulatory guidance were carefully considered. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted.
2. The applicant did not provide nor does his service record contain evidence to show he was recommended for award or Army Achievement Medal or Army Commendation Medal, that such recommendations were approved by his chain of command, nor that official orders were published authorizing such awards.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The Board concurs with the corrections addressed in Administrative Note(s) below, but found 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.

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

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): Permanent Orders 268-2, dated 25 September 2003 shows the applicant was awarded the Army Good Conduct Medal, which is not listed on his DD Form 214. Add the Army Good Conduct Medal to his DD Form 214 for the period ending 15 August 2004.

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. Army Regulation 600-8-22 (Military Awards) provides that the:
 - a. Army Achievement Medal is awarded to any member of the Armed Forces of the United States, who while serving in a non-combat area on or after 1 August 1981, distinguished themselves by meritorious service or achievement. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.
 - b. Army Commendation Medal may be awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguished himself or herself by heroism, meritorious achievement, or meritorious service. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.
3. Title 10, USC, section 1130 allows the Service Secretary concerned to review a proposal for the award of, or upgrading of, a decoration that is otherwise precluded from consideration by limitations established by law or policy. In order to request an award under Title 10, USC, section 1130, you must submit a DA Form 638 (Recommendation for Award). The DA Form 638 should clearly identify your unit, the period of assignment, and the award being recommended. A narrative of the actions or period for which you are requesting recognition must accompany the DA Form 638. In addition, your award request should be supported by sworn affidavits, eyewitness statements, certificates, and related documents. Corroborating evidence is best provided by commanders, leaders, and fellow Soldiers who had personal (i.e., eyewitness) knowledge of the circumstances and events relative to the request. Title 10, USC, section 1130 also requires that a request of this nature be referred to the Service Secretary from a Member of Congress. Therefore, you must submit your request through a Member of Congress who will send it to the U.S. Army Human Resources Command, ATIN: AHRC-

PDP-A, 1600 Spearhead Division Avenue, Fort Knox, KY 40122. The burden and costs for researching and assembling documentation to support approval of requested awards and decorations rest with the requester. If you choose to pursue the award requested by submitting a request under the provisions of Title 10, USC, section 1130, and your request is subsequently denied by the U.S. Army Human Resources Command, you may reapply to the ABCMR. You may complete an application online or download a current application DD Form 149 (Application for Correction of Military Records) from our website at <http://arba.army.pentagon.mil>. You must include a copy of the denial from the U.S. Army Human Resources Command.

//NOTHING FOLLOWS//