

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 April 2024

DOCKET NUMBER: AR20230009680

APPLICANT REQUESTS: the DD Form 214 (Certificate of Release or Discharge from Active Duty) of her deceased husband, a retired service member (SM), be corrected to show the Legion of Merit.

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

- DD Form 149 (Application for Correction of Military Record)
- Certificate for award of the Legion of Merit
- DD Form 214 ending on 31 March 1986
- Marriage Certificate
- SM's Death Certificate

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 the SM's DD Form 214 omitted the Legion of Merit.
3. Review of the SM's service records shows:
 - a. Having had prior service, the SM reenlisted in the Regular Army on 7 July 1977, holding military occupational specialties 871L, Administrative Specialist and 71M, Chaplain Assistant.
 - b. He continued his service through multiple reenlistments, and he served in a variety of stateside or overseas assignments, attaining the rank of sergeant first class (SFC)/E-7.
 - c. He retired on 31 March 1986, and he was placed on the retired list in his retired grade of SFC on 1 April 1986. His DD Form 214 shows he was awarded or authorized:

- Army Service Ribbon
- Overseas Service Ribbon
- National Defense Service Medal
- Good Conduct Medal (6th Award)
- Army Commendation Medal (2nd Oak Leaf Cluster)
- NCO Professional Development Ribbon
- Army Achievement Medal

4. There are no permanent orders in the SM's records to show he was recommended for or awarded the Legion of Merit.

5. The applicant provides a certificate, signed on 29 May 1986, awarding the SM the Legion of Merit for:

meritorious service during the period 9 February 1981 to 31 March 1986, while serving as Administrative Noncommissioned Officer, Fort Bragg District, Third Region, United States Army Criminal Investigation Command, culminating over 20 years of faithful and honorable service. Throughout his career, [SM] served with distinction in many and varied positions of great responsibility. His imaginative ideas and zeal for efficiency were extremely valuable assets enabling the Fort Bragg District to successfully complete its mission.

6. By regulation (AR 600-8-22), as with all personal decorations, award of the Legion of Merit requires a formal recommendation, approval through the chain of command, and announcement in orders.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

2. The service members records do not contain orders awarding him the Legion of Merit but does contain the signed certificate for award of the Legion of Merit with included citation. The Board felt this evidence was sufficient to justify correcting the service members DD Form 214 to add the Legion of Merit.

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) states the Legion of Merit is awarded to individuals who distinguish themselves by exceptionally meritorious conduct in the performance of outstanding services and achievements. The performance must merit recognition of key individuals for service rendered in a clearly exceptional manner. Performance of duties normal to the grade, branch, specialty, or assignment and experience of an individual is not an adequate basis for this award. In peacetime, service should be in the nature of a special requirement, or an extremely difficult duty performed in an unprecedented and clearly exceptional manner. However, justification may accrue by virtue of exceptionally meritorious service in a succession of important positions. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

//NOTHING FOLLOWS//