

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 2 April 2024

DOCKET NUMBER: AR20230009928

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 1 August 2010 to show the Legion of Merit and Meritorious Unit Commendation. He also requests a personal appearance,

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

- DD Form 149 (Application for Correction of Military Record)
- Legion of Merit Certificate and narrative, 2 July 2013
- Meritorious Unit Commendation orders, approval memorandum, and certificate, 10 April 2023

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 would like all awards earned added to his DD Form 214.
3. Review of the applicant's service records shows:
 - a. He enlisted in the Army National Guard (ARNG) on 16 September 1976. He held military occupational specialty 63B, Vehicle Mechanic. He served through multiple extensions, in a variety of assignments, and attained the rank of master sergeant/E-8.
 - b. He entered active duty on 21 November 1990 and served in Southwest Asia from 13 January to 9 Mat 1991. He was assigned to 972nd Military Police (MP) Company. He was honorably released from active duty on 4 June 1991.
 - c. General Orders Number 12, issued by Headquarters, Department of the Army on 13 May 1994 awarded the Meritorious Unit Commendation to the 972nd MP Company for service from 8 November 1990 to 8 May 1991.

d. He entered active duty on 7 July 2002 and served in Kuwait/Iraq from 1 April 2003 to 12 September 2003. He was assigned to 211th MP Battalion. He was honorably released from active duty on 14 October 2003 to the control of his State ARNG.

e. Permanent Orders Number 178-02, issued by the U.S. Army Human Resources Command on 26 June 2008 awarded the Meritorious Unit Commendation to Headquarters and Headquarters Detachment, 211th MP Battalion for service from 4 April 2003 to 31 January 2004.

f. Permanent Orders Number 038-22, issued by the U.S. Army Human Resources Command on 7 February 2012, awarded the Valorous Unit Award to Headquarters and Headquarters Detachment, 211th MP Battalion for service from 30 May 2003 to 18 September 2003.

g. He again entered active duty on 24 July 2009 and served in Iraq from 6 September 2009 to 6 June 2010. He was assigned to Headquarters and Headquarters Detachment, 211th MP Battalion. He was honorably released from active duty on 1 August 2010 to the control of his State ARNG. His DD Form 214 for this period shows he was awarded or authorized:

- Bronze Star Medal
- Meritorious Service Medal, 2nd Award
- Army Commendation Medal, 7th Award
- Army Achievement Medal
- Meritorious Unit Commendation
- Army Good Conduct Medal
- Army Reserve Component Achievement Medal, 6th Award
- National Defense Service Medal, 2nd Award
- Southwest Asia Service Medal with 3 bronze service stars
- Global War on Terrorism Service Medal
- Humanitarian Service Medal
- Iraq Campaign Medal with campaign star
- NCO Professional Development Ribbon, 3rd Award
- Army Service Ribbon
- Overseas Service Ribbon
- Army Reserve Component Overseas Training Ribbon, 2nd Award
- Kuwait Liberation Medal (K)
- Kuwait Liberation Medal (SA)

h. He was discharged from the ARNG on 31 March 2013 and transferred to the Retired Reserve. His NGB Form 22 (Report of Separation and Record of Service) show she completed 36 years and 6 months of ARNG service.

4. The applicant provides:

a. Permanent Order 100-000q, issued by the U.S. Army Human Resources Command, on 10 April 2023, awarding the Meritorious Unit Commendation to Headquarters and Headquarters Detachment, 211th MP Battalion, 23rd Military Police Company, for meritorious service from 6 September 2009 to 30 June 2010.

b. Permanent Order 183-09, issued the Director of the Army National Guard on 2 July 2013, awarding the applicant the Legion of Merit for meritorious service from 16 September 1976 to 31 March 2013.

5. The applicant's various units were awarded 3 awards of the Meritorious Unit Commendation and 1 award of the Valorous Unit Award. His August 2010 DD Form 214 reflects one award of the Meritorious Unit Commendation.

6. The applicant's DD Form 214 covers the period 24 July 2009 to 1 August 2010. The Legion of Merit is for the period 16 September 1976 to 31 March 2013.

7. 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. The information entered thereon reflects the conditions as they existed at the time of separation.

BOARD DISCUSSION:

1. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was partially warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant served in the ARNG from 16 September 1976 to 31 March 2013, with multiple periods of active duty throughout his career.

a. The applicant's various units of assignment were awarded 3 awards of the Meritorious Unit Commendation and 1 award of the Valorous Unit Award. His August 2010 DD Form 214 reflects one award of the Meritorious Unit Commendation. The Board determined a correction is warranted.

b. The applicant's DD Form 214 covers the period 24 July 2009 to 1 August 2010. The Legion of Merit is for the period 16 September 1976 to 31 March 2013. 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. At the time he was released from active duty in 2010, he had not been awarded the Legion of Merit.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

█ █ █ GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending his DD Form 214 ending on 1 August 2010 as follows:

- deleting Meritorious Unit Commendation (2nd Award)
- adding Unit Commendation (3rd Award) and Valorous Unit Award

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to adding any relief in excess of that described above.

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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. Army Regulation 635-5 (Separation Documents), in effect at the time, prescribed the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214. 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. The information entered thereon reflects the conditions as they existed at the time of separation. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214.

3. Army Regulation 15-185 (ABCMR) 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, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//