

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 2 April 2024

DOCKET NUMBER: AR20230010336

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to be updated to reflect:

- multiple Army Commendation Medals (ARCOM)
- multiple Army Achievement Medals (AAM)
- Combat Action Badge (CAB)

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

- DD Form 149 (Application for Correction of Military Record)
- Letter from J\_F\_, 9 July 2000
- Note from Colonel (COL) F, 12 September 2000
- DA Form 4980-14 (ARCOM) Certificate, Permanent Order Number 266-03, 22 September 2000
- DA Form 638 (Recommendation for Award), Permanent Order Number 266-03, 22 September 2000
- DA Form 638, Permanent Order Number 092-07, 5 April 2001
- DA Form 638, Permanent Order Number 300-03, undated
- DA Form 638, Permanent Order Number 173-08, 29 June 2001
- DA Form 638, Permanent Order Number 75-043, 16 March 2005
- DD Form 214, 15 August 2005
- Permanent Order Number D245-019, 2 September 2005

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 Board will not consider the applicant's request for award of the CAB, as this award will be addressed through administrative correction.

3. The applicant states multiple ARCOMS, AAMs, and the CAB are not represented on his DD Form 214. The awards were earned and documented, but are not on his DD Form 214.

4. The applicant provides the following:

a. A letter from J\_F\_, dated 9 July 2000, to the applicant's command which states he assisted her son when he was having chest pains and difficulty breathing on the side of the road. The note at the bottom of the letter states that the applicant was approved for an ARCOM, and it instructed sergeant first class M to submit the recommendation with two bullets.

b. A note from COL F, dated 12 September 2000, to the applicant informing him that his actions may have saved the young man's life and letting him know that he was proud to be his commander.

c. ARCOM certificate and DA Form 638 with Permanent Order Number 266-03, dated 22 September 2000, which awarded him the ARCOM for his deep concern for human life while assigned to A Company, 50th Signal Battalion (Airborne), 26 to 27 June 2000.

d. DA Form 638 with Permanent Order Number 092-07, dated 5 April 2001, awarded him the AAM for achievement from 5 to 15 February 2001.

e. DA Form 638 with Permanent Order Number 300-03 awarded the applicant the AAM for achievement from 25 August to 20 September 2003. Block 10 (Recommended Award) of this form shows AAM (5 Oak Leaf Clusters). Block 29 (Approved Award) shows AAM.

f. DA Form 638 with Permanent Order Number 173-08, dated 24 June 2001, awarded him the ARCOM, for service 31 May 1997 to 31 July 2005. Block 10 (Recommended Award) shows ARCOM (3 Oak Leaf Clusters) and Block 29 (Approved Award) shows ARCOM.

g. DA Form 638 with Permanent Order Number 75-043, dated 16 March 2005, awarded him the ARCOM, for service 17 March 2004 to 17 March 2005. Block 10 (Recommended Award) shows BSM. The award was downgraded by the orders issuing authority to an ARCOM.

h. Permanent Order Number D245-019, dated 2 September 2005, issued by Headquarters, U.S. Army Hawaii, Schofield Barracks, HI awarded the applicant the CAB for actively engaging or being engaged by the enemy during the period 9 May 2004 to 27 March 2005.

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

a. He enlisted in the Regular Army on 30 May 1997.

b. The applicant was honorably discharged from Active Duty on 15 August 2005 upon completion of his required active service. His DD Form 214 shows in item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized):

- Army Lapel Button
- Global War on Terrorism Service Medal
- Army Achievement Medal
- Army Good Conduct Medal (2nd Award)
- National Defense Service Medal
- Noncommissioned Officer's Professional Development Ribbon
- Army Service Ribbon
- Overseas Service Ribbon
- Parachutist Badge
- Afghanistan Campaign Medal

#### BOARD DISCUSSION:

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.

a. Army Commendation Medal (3rd Award): Grant. The applicant's record contains, or the applicant provides the necessary orders for three awards:

(1) ARCOM certificate and DA Form 638 with Permanent Order Number 266-03, 22 September 2000, for achievement 26 to 27 June 2000.

(2) DA Form 638 with Permanent Order Number 173-08, 24 June 2001, awarded him the ARCOM, for service 31 May 1997 to 31 July 2005.

(3) DA Form 638 with Permanent Order Number 75-043, 16 March 2005, awarded him the ARCOM, for service 17 March 2004 to 17 March 2005.

b. Army Achievement Medal (2nd Award): Grant. The applicant's record contains or the applicant provides the necessary orders for two awards:

(1) DA Form 638 with Permanent Order Number 092-07, 5 April 2001, awarded him the AAM for achievement from 5 to 15 February 2001.

(2) DA Form 638 with Permanent Order Number 300-03 awarded him the AAM for achievement from 25 August to 20 September 2003.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

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, in addition to the corrections addressed in Administrative Note(s) below, by amending his DD Form 214 as follows:

- Deleting the Army Achievement Medal
- Adding the Army Commendation Medal (3rd Award) and Army Achievement Medal (2nd Award)

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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.

ADMINISTRATIVE NOTE(S): A review of the applicant's records show he is authorized the CAB. As a result, administratively correct the applicant's DD Form 214 for the period ending 15 August 2005 without action by the Board by adding the Combat Action Badge to item 13.

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 (Personnel Separations – Separation Documents), in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It states DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. It states, Block 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) list awards and decorations for all periods of service in the priority sequence specified in Army Regulation 600-8-22 (Military Awards) Each entry will be verified by the Soldier's records. Do not use abbreviations.

3. Army Regulation 600-8-22 states:

a. 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 and distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. The regulatory guidance states award of certain decorations as authorized in this regulation or later will be made on the basis of existing letters, citations, and/or orders.

b. 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 themselves by meritorious service or achievement. As with all personal decorations, a formal recommendation, approval through the chain of command, and announcement in orders are required.

//NOTHING FOLLOWS//