

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 May 2024

DOCKET NUMBER: AR20230010361

APPLICANT REQUESTS: in effect -

a. correction of his DD Form 214 (Report of Separation from Active Duty) to show the below listed items:

- award of the Army Commendation Medal
- Letter of Appreciation for being selected "Soldier of the Day"
- 8th Infantry Division Pathfinder Award for Excellence

b. a personal appearance hearing before the Board via video or telephone conference.

APPLICANT'S SUPPORTING DOCUMENT CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- an undated letter/statement to the National Archives Military Records Center Army

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 award of the Army Commendation Medal, as this item will be addressed through an administrative correction.

3. The applicant enlisted in the Regular Army on 13 February 1976. He served in military occupational specialty 64C (Motor Transport Operator).

4. He served in Germany for 2 years, 6 months and 22 days. He was promoted to the rank/grade of specialist four (SP4)/E-4, effective 13 June 1977.

5. The applicant's record contains a Letter of Appreciation from the Commander, Headquarters and Headquarters Company, 1st Battalion (Mechanized), 87th Infantry Regiment, 19 September 1978, in which he was lauded for being selected as "Soldier of the Day" on 25 August 1978.

6. The applicant did not provide nor did his record include any evidence showing he was awarded the Pathfinder Badge, that he successfully completed the Pathfinder Course conducted by the U.S. Army Infantry School; or that he was previously awarded the Pathfinder award for completion of Pathfinder training, specifically, the 8th Infantry Division Pathfinder Award for Excellence.

7. Permanent Orders 135-10, published by Headquarters, 8th Infantry, on 13 December 1978, awarded the applicant the Army Commendation Medal for meritorious service during the period 17 June 1976 to 7 January 1979. These orders show the applicant's unit of assignment as Headquarters and Headquarters Company, 1st Battalion, 87th Infantry Regiment.

8. A review of the applicant's service record shows no derogatory information in the form of time lost, nonjudicial punishment, or suspension of favorable personnel actions which would disqualify him for the Army Good Conduct Medal (1st Award). Additionally, there are no entries in his record to indicate his commander denied him award of the Army Good Conduct Medal (1st Award).

9. On 12 February 1979, he was honorably released from active duty after completing 3 years of net active service. The DD Form 214 he was issued shows he was awarded or authorized the:

- Expert Marksmanship Qualification Badge with Grenade Bar
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)

10. The DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active duty service at the time of release from active duty, retirement, or discharge.

11. Army Regulation 15-185 (ABCMR) states an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined the applicant's records are absent any evidence showing he was awarded the Pathfinder Badge, that he successfully completed the Pathfinder Course conducted by the U.S. Army Infantry School; or that he was previously awarded the Pathfinder award for completion of Pathfinder training, specifically, the 8th Infantry Division Pathfinder Award for Excellence.

2. The Board noted that Letters of Appreciation for being selected "Soldier of the Day" recognition citations that do not appear on the DD Form 214. However, during deliberation the Board noted the applicant's service record did not reflect he was awarded the Army Good Conduct Medal (1st Award) and his record shows he received "excellent" conduct and efficiency ratings throughout his service for the period of 13 February 1976 to 12 February 1979. Therefore, the Board granted partial relief to award the Army Good Conduct Medal.

3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant by adding the Army Commendation Medal.

4. The applicant's request for a personal appearance hearing was carefully considered. In this case, 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.

BOARD VOTE:

| Mbr 1 | Mbr 2 | Mbr 3 | |
|-------|-------|-------|----------------------|
| : | : | : | GRANT FULL RELIEF |
| ■ | ■ | ■ | GRANT PARTIAL RELIEF |
| : | : | : | GRANT FORMAL HEARING |
| : | : | : | DENY APPLICATION |

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the administrative notes annotated by the Analyst of Record (below the signature), 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 awarding the applicant the Army Good Conduct Medal (1st Award) for exemplary service from 13 February 1976 to 12 February 1979 and adding the medal to his DD Form 214 for the period ending 12 February 1979.
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 award of the 8th Infantry Division Pathfinder Award for Excellence and the Letter of Appreciation for being selected "Soldier of the Day".



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 shows he is authorized additional awards not annotated on his DD Form 214 for the period ending 12 February 1979. As a result, amend his DD Form 214 by adding the Army Commendation Medal.

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:

a. The Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity during a qualifying period of active duty enlisted service. This period is 3 years except in those cases when the period for the first award ends with the termination of a period of Federal military service. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified.

b. The regulation provides for the issuance of letters of commendation and appreciation. It states that acts or services which do not meet the criteria for decorations, or the various authorized certificates may be recognized by written or oral expressions of commendation or appreciation. A written expression of commendation or appreciation will be typed on letterhead stationery and will not contain formalized printing, seals, or other distinguishing features which depart from normal letter form. Such letters may be issued to military personnel. Copies of each letter of commendation or appreciation will be distributed to the individual's Army Military Human Resource Record per Army Regulation 600-8-104 (Army Military Human Resource Records Management); however, there is no provision to list a letter of commendation or appreciation on the DD Form 214.

c. The eligibility criteria for the Pathfinder Badge requires - (1) Successful completion of the Pathfinder Course conducted by the U.S. Army Infantry School; (2) Any person previously awarded the Pathfinder award for completion of Pathfinder training is authorized award of the Pathfinder Badge. The Pathfinder Badge may be approved by the Commandant, U.S. Army Infantry School.

3. Army Regulation 15-185 prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. 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. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//