

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 May 2024

DOCKET NUMBER: AR20230010400

APPLICANT REQUESTS: correction to his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 24 November 2009 to reflect:

- Meritorious Unit Commendation (2nd Award)
- Driver and Mechanic Badge with component bars

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 638 (Recommendation for Award) – Illegible
- Army Achievement Medal (AAM) Certificate, Permanent Order (PO) #216-001
- Army Commendation Medal (ARCOM) Certificate, PO# 281-041
- DA Form 5984-E (Operator's Permit), 8 January 2008
- Memorandum for Record (MFR) Driver's Training, 23 February 2008
- PO #056-02, 25 February 2009
- PO #050-05, 19 February 2010
- PO #077-11, 18 March 2013
- MFR for Meritorious Unit Commendation (MUC), 24 November 2015
- DD Form 214

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 is requesting his DD Form 214 reflect all awards he received to include two MUCs. He earned them while serving in operational units with the 39th Infantry Brigade Combat Team (IBCT) from April 2008 to December 2008 and the 116th IBCT-Task Force (TF) Normandy from September 2007 to May 2008. Additionally, he is requesting, in effect, award of the Driver and Mechanic Badge, as an expert driver and "Operator-S" component bar.

a. He believes he qualifies for the requested awards because he served in roles as a 63B (Light Wheel Vehicle Mechanic), 62M (Rough Terrain Forklift and Loader Operator), and an 88M (Motor Transport Operator). He further served as an instructor for others on the use and safe operation of wheeled vehicles identifying a number of military vehicles, including but not limited to, the M998, M114, M-Gator, and the HMMWV. He worked as a civilian mechanic for over 5 years prior to service with gas and diesel. He feels he operated above his paygrade as a Battery Maintenance noncommissioned officer (NCO) for his unit.

b. In addition to operating as a gunner on numerous vehicles, he also served as a mechanic, in a 63B capacity, while assigned to the 116th IBCT. He meets all the requirements set forth under law and regulation and indicated the acknowledgment was likely overlooked or ignored by the unit. Finally, Specialist (SPC) [REDACTED] submitted an award to recognize the applicant for rendering emergency medical aide to a member of the Navy who was severely injured in the performance of his duties at the burn pit. SPC C witnessed the event while serving as the driver and reported back to the leadership; however, the request was ignored.

3. The applicant provides:

a. The below listed documents to be referenced in the service record:

- DA Form 638
- AAM Certificate, PO #216-001
- ARCOM Certificate, PO# 281-041
- PO #077-11, 18 March 2013
- MFR for MUC, 24 November 2015
- DD Form 214 effective 24 November 2009

b. A DA Form 5984-E issued on 8 January 2008 shows the applicant was qualified to operate the below listed military vehicles with an expiration date of 14 December 2012:

- HMMWV
- LMTV 2.5
- FMTV 5-ton
- M1117 ASV

c. An MFR, dated 23 February 2008, shows the applicant completed Driver's Training on the M917A1 Dump Truck and the MW24C Scoop Loader.

d. PO #056-02, dated 25 February 2009, announced award of the MUC to the 39th IBCT for exceptionally meritorious service in support of Operation Iraqi Freedom (OIF) during the period of 30 April 2008 to 1 December 2008.

e. PO #050-05, dated 19 February 2010, announced award of the MUC to the listed units for exceptionally meritorious service in OIF for the period of 16 September 2007 to 1 May 2008.

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

a. He enlisted in the [REDACTED] Army National Guard ([REDACTED] ARNG) on 16 August 2004.

b. His DA Form 2-1 (Personnel Qualification Record) shows:

(1) Block 6 – Military Occupational Specialties (MOS):

- Primary – 11B (Infantryman)
- Secondary – 45B (Small Armor Repairer)

(2) Block 9 – Awards, Decorations & Campaigns:

- Army Service Ribbon
- National Defense Service Medal
- Humanitarian Service Medal

c. He entered active duty on 3 October 2004. He was honorably released from active duty training on 28 January 2005. His DD Form 214 shows he completed 3 months and 26 days of active service. He was awarded primary specialty 11B following 14 weeks of training.

d. A DA Form 638 shows on 4 August 2007 the applicant was awarded an AAM with PO #216-001 for preparing the unit for convoy movement. Block 8 (Previous Awards) indicated the applicant had no previous awards.

e. Orders 305-399, dated 1 November 2007, ordered the applicant to active duty in support of OIF with a report date of 14 November 2007 for a period of active duty not to exceed 241 days.

f. Orders A-03-805675, dated 27 March 2008, shows the applicant was ordered to a subsequent period of active duty with a report date of 15 April 2008 with duty at Iraq with 39th Infantry Brigade.

g. Orders 182-005, dated 30 June 2008, released the applicant as an armorer from the 3rd Battalion, 116th Infantry in Charlottesville, VA and assigned him to as a radio operator to Troop C, 2-183rd Cavalry in Virginia Beach, VA.

h. Orders A-12-826698, dated 24 December 2008, retained the applicant on active duty and assigned him to Walter Reed, DC to be released from active duty on approximately 24 November 2009.

i. He was awarded an ARCOM, PO #281-041, for his meritorious service while deployed in support of OIF for the period of 1 April 2008 to 15 December 2008.

j. Orders 337-0135, dated 3 December 2009, released the applicant from active duty with an effective date of 4 December 2009.

k. He was honorably released from active duty on 25 November 2009. His DD Form 214 shows he completed 2 years and 12 days of active service. Item 12f (Foreign Service) did not identify his foreign service period and Item 18 (Remarks) did not list his dates for the deployment to Iraq. It also shows he was awarded or authorized:

- ARCOM (2nd Award)
- AAM
- National Defense Service Medal
- Global War on Terrorism Service Medal
- Iraq Campaign Medal with campaign star
- Army Service Ribbon
- Overseas Service ribbon
- Armed Forces Reserve Medal w/M Device

l. A DD Form 215 (Correction to DD Form 214) was issued on 14 April 2010 with the below listed items corrected and/or changed to read:

- Item 11 (Primary Specialty) – 11B10 Infantryman (5 years 4 months)//91F10 Small Arms Artillery (4 years 8 months)
- Item 12b (Separation Date This Period) – 23 December 2009 (20091223)
- Item 12c (Net Active Service This Period) – 2 years, 1 month, and 10 days
- Item 16 (Days Accrued Leave Paid) – 4.5
- Item 18 – “Continuous honorable active service 20071114-20091223”

m. Orders 139-081, dated 19 May 2010, discharged the applicant from the [REDACTED] ARNG with an effective date of 19 May 2010.

n. He was honorably discharged from the [REDACTED] ARNG on 19 May 2010. His NGB Form 22 (Report of Separation and Record of Service) shows he complete 5 years, 9 months, and 4 days of net service for the period.

o. PO #077-11, dated 18 March 2013, announced award of the MUC to several units including Company D, 39th Support Battalion, for exceptionally meritorious service while operating at Contingency Operating Base Adder, Iraq in support of OIF during the period of 1 April 2008 to 17 December 2008.

p. On 24 November 2015, an MFR shows the applicant received permanent award of the MUC based on PO #077-11 with his individual service dates listed as 15 April 2008 to 17 December 2008. The available service record shows only one award of the MUC.

q. On 19 January 2024, a memorandum shows the applicant was awarded the Humanitarian Service Medal for his participation in Hurricane Katrina and Rita Support Operations and activities from 4 September 2005 through 24 September 2005.

5. A review of the applicant's record confirms an award and administrative entries were omitted from his DD Form 214. These entries will be added to his DD Form 214 as administrative corrections and will not be considered by the Board. The Board will consider award of the second MUC and the Driver and Mechanic Badges with component bars.

6. By regulation (AR 600-8-22):

a. The Meritorious Unit Commendation is awarded to units for exceptionally meritorious conduct in the performance of outstanding services for at least 6 continuous months during the period of military operations against an armed enemy occurring on or after 1 January 1944. Units based in the continental United States are excluded from this award, as are other units outside the area of operations.

b. The Driver and Mechanic Badge is awarded to drivers, mechanics, and special equipment operators to denote the attainment of a high degree of skill in the operation and maintenance of motor vehicles. Commanders of brigades, regiments, separate battalions, and any commander in the rank of lieutenant colonel or higher may approve award of the Driver and Mechanic Badge.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found partial relief is warranted.

2. The Board found the evidence confirms the applicant served in a unit during one period for which the unit was awarded the MUC, but the evidence does not show he served a second period with a unit that was awarded the MUC. As such, the Board

determined the evidence does not support correction of his record to show a second MUC.

3. The Board found insufficient evidence to confirm the applicant met all eligibility requirements for award of the Driver and Mechanic Badge as specified in the governing regulation. The Board determined the evidence does not support correction of the record to show he was awarded this badge.

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:

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 making the corrections described in Administrative Note(s) below.

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 any relief in excess of that described above.

9/16/2024

X

CHAIRPERSON

Signed by: USA

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:

A review of the applicant's service records shows an award and administrative entries were omitted from DD Form 214 for the service period ending 24 November 2009 (corrected by DD Form 215 to show 23 December 2009). As a result, correct his DD Form 214 to show:

- Block 12f (Foreign Service): 0000 08 03 (8 months and 3 days)
- Block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized): Meritorious Unit Commendation
- Block 18 (Remarks): "Service in Iraq from 20080415 to 20081217"

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), in effect at the time, provided Army policy, criteria, and administrative instructions concerning individual military decorations.

a. The Meritorious Unit Commendation (previously called the Meritorious Service Unit Plaque) is awarded to units for exceptionally meritorious conduct in the performance of outstanding services for at least 6 continuous months during the period of military operations against an armed enemy occurring on or after 1 January 1944. Service in a combat zone is not required, but must be directly related to the combat effort. Units based in the continental United States are excluded from this award, as are other units outside the area of operations. Only on rare occasions will a unit larger than a battalion qualify for award of this decoration. For services performed during World War II, awards would be made only to service units and only for services performed between 1 January 1944 and 15 September 1946. Effective 1 March 1961, the Meritorious Unit Commendation was authorized for units and/or detachments for exceptionally meritorious conduct in performance of outstanding services for at least 6 continuous months in support of military operations. Service(s), as used in this paragraph, is interpreted to relate to combat service support type activities and not to the type of activities performed by senior headquarters, combat, or combat support units. Effective 11 September 2001, the Meritorious Unit Commendation is also authorized for combat arms and combat support units and/or detachments

b. The Driver and Mechanic Badge is awarded to drivers, mechanics, and special equipment operators to denote the attainment of a high degree of skill in the operation and maintenance of motor vehicles. Commanders of brigades, regiments, separate battalions, and any commander in the rank of lieutenant colonel or higher may approve award of the Driver and Mechanic Badge.

(1) Component bars are authorized only for the following types of vehicles and/or qualifications:

- Driver-W (for wheeled vehicles)
- Driver-T (for tracked vehicles)
- Driver-M (for motorcycles)
- Driver-A (for amphibious vehicles)
- Mechanic (for automotive or allied vehicles)
- Operator-S (for special mechanical equipment)

(2) The eligibility requirements for drivers requires that a Soldier must:

- qualify for and possess a current OF 346 (U.S. Government Motor Vehicles Operator's Identification Card), issued as prescribed by AR 600–55 and,
- be assigned duties and responsibilities as a driver or assistant driver of government vehicles for a minimum of 12 consecutive months, or during at least 8,000 miles with no government motor vehicle accident or traffic violation recorded on his or her DA Form 348–1–R (Equipment Operator's Qualification Record (Except Aircraft)), or
- perform satisfactorily for a minimum period of 1 year as an active qualified driver instructor or motor vehicle driver examiner

(3) The eligibility requirements for mechanics requires that a Soldier must:

- pass aptitude tests and complete the standard mechanics' course with a "skilled" rating or have demonstrated possession of sufficient previous experience as an automotive or engineer equipment mechanic to justify such a rating
- be assigned to primary duty as an automotive or engineer mechanic, unit level or higher, or is an active automotive or engineer mechanic instructor.
- qualify for motor vehicle operators permit as prescribed above, and perform duty which includes driving motor vehicles for a minimum of 6 consecutive months, and have no Army motor vehicle accident or traffic violation recorded on his or her DA Form 348

(4) The eligibility criteria for operators of special mechanical equipment

require that a Soldier or civilian whose primary duty involves operation of Army materials handling or other mechanical equipment must have completed 12 consecutive months or 500 hours of operation, whichever comes later, without accident or written reprimand as the result of his or her operation, and his or her operating performance must have been adequate in all respects.

//NOTHING FOLLOWS//