

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 9 April 2024

DOCKET NUMBER: AR20230010523

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) by adding the following:

- Army Commendation Medal with "V" Device
- "Other Army Commendation Medals"
- Combat Medical Badge
- "Army Good Conduct Medals"
- "Hand Grenade Qualification Badge"
- "Campaign Defense of Saudi Arabia"

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4980-14 (Army Commendation Medal Certificate)
- Permanent Orders (PO)
- Extract from DA Form 2-1 (Personnel Qualification Record – Part II)
- DA Form 3340-R (Request for Regular Army Reenlistment or Extension)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). 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, in effect, his DD Form 214 is missing some of his awards; he asks the Board to add the Army Commendation Medal with "V" Device, other Army Commendation Medals, Army Good Conduct Medals (number not specified), Combat Medical Badge, "Campaign Defense of Saudi Arabia," and a marksmanship qualification badge for the hand grenade.

a. The applicant notes that others in his unit received the foregoing medals, and he feels he too should have received them. In support of his request, he submits

documents from his service record. The DA Form 4980-14 announces the award of the Army Commendation Medal after the applicant distinguished "himself by valorous acts on 27 February 1991 during Operation Desert Storm. [Applicant] followed an Iraqi prisoner through an area littered with unexploded ordinance, mines, and booby traps in an attempt to rescue a suspected wounded American Soldier. In doing so, [Applicant] also assisted in the capture of 4 Iraqi Soldiers." No orders are provided.

b. While the applicant provides Permanent Order (PO) for the Army Good Conduct Medal (1st Award), he does not include PO for the Army Commendation Medal with "V" Device, other Army Commendation Medals, additional Army Good Conduct Medals, or the Combat Medical Badge.

3. The applicant's requested relief for adding the Army Good Conduct Medal (1st Award) to his DD Form 214 is supported by sufficient evidence; as a result, this portion of the requested relief will be addressed in the "ADMINISTRATIVE NOTE(S)" section and will not be further considered by the Board.

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

a. On 18 February 1986, the applicant enlisted into the Regular Army for 3 years; upon completion of initial entry training and the award of military occupational specialty 91A (Medical Specialist), orders assigned him to a medical detachment at Fort Gordon, GA (now renamed Fort Eisenhower). The applicant arrived at his new unit, on 18 July 1986.

b. In or around February 1988, the applicant received reassignment instructions for Korea; on 9 February 1988, he extended his enlistment by 2 months to complete an overseas tour in Korea. On 23 May 1988, he arrived in Korea, and, effective 28 May 1988, orders further assigned him to an aviation battalion. On 1 November 1988, the applicant immediately reenlisted for 2 years.

c. On 15 March 1989, PO awarded the applicant the Army Good Conduct Medal (1st Award). On 29 October 1989, the applicant completed his tour in Korea and orders reassigned him to an air defense artillery unit at Fort Hood, TX (recently renamed Fort Cavazos); he arrived at his unit, on or about 9 November 1989.

d. On 10 April 1990, the applicant immediately reenlisted for 3 years. On 22 August 1990, orders reassigned the applicant to the 3rd Battalion, 67th Armored Regiment at Fort Hood. On 10 October 1990, the applicant deployed with his unit to Southwest Asia; he redeployed, on 18 April 1991. On 30 April 1992, the Army honorably released the applicant from active duty and transferred him to the U.S. Army Reserve, per the 1992 Early Transition Program.

e. The applicant's DD Form 214 shows he completed 6 years, 2 months, and 13 days of net active duty service. The form additionally reflects the following:

(1) Item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized): National Defense Service Ribbon, Army Service Ribbon, Overseas Service Ribbon, Expert Marksmanship Qualification Badge with Rifle Bar, Southwest Asia Service Medal with three bronze service stars, Kuwait Liberation Medal

(2) Item 18 (Remarks): the applicant's service in Southwest Asia is listed.

f. A further review of the applicant's available service record shows the following:

(1) The applicant's service record is void of any derogatory information and there is no documentation indicating any of his commanders disqualified him for the Army Good Conduct Medal.

(2) Additionally, his record does not contain PO for any of the following awards: Army Commendation Medal with "V" Device, Army Commendation Medal, Army Good Conduct Medal (2nd Award), Combat Medical Badge.

(3) His DA Form 2-1 reflects the following:

- Item 9 (Awards, Decorations, and Campaigns) – names two of the campaigns in which the applicant participated while in Southwest Asia: Defense of Saudi Arabia and Liberation and Defense of Kuwait; no entries showing the applicant's requested awards
- Item 9 also shows Hand Grenade Badge, Second Class, awarded April 1986; (in the past, the Army used the designation of "Hand Grenade, Second Class" for what is now the Marksman Marksmanship Qualification Badge with Grenade Bar)
- Item 18 (Appointments and Reductions) – the applicant's leadership progressively promoted him to the rank/grade of specialist four (SP4)/E-4; no reductions are indicated

5. Army Regulation (AR) 15-185 (ABCMR), currently in effect, states:

a. The ABCMR decides cases on the evidence of record; it is not an investigative body. Additionally, the ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).

b. The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

BOARD DISCUSSION:

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.

a. Army Commendation Medal with "V" Device: Grant. Although there are no orders confirming this award, the applicant provides a certificate for award of the Army Commendation Medal after the applicant distinguished "himself by valorous acts on 27 February 1991 during Operation Desert Storm. [Applicant] followed an Iraqi prisoner through an area littered with unexploded ordinance, mines, and booby traps in an attempt to rescue a suspected wounded American Soldier. In doing so, [Applicant] also assisted in the capture of 4 Iraqi Soldiers." No orders are provided. The Board accepted this certificate is sufficient to add the Army Commendation Medal with V Device to his DD Form 214.

b. Additional Army Commendation Medal. Deny. The applicant does not provide, and his records do not contain order awarding him additional awards of the Army Commendation Medal.

c. Combat Medical Badge: Deny. The applicant does not provide, and his records do not contain order awarding him the Combat Medical Badge.

d. Army Good Conduct (2nd Award): Grant. Permanent Orders awarded the applicant his first award of the Army Good Conduct Medal for the period 18 February 1986 through 17 February 1989. The evidence shows the applicant served a total of 6 years, 2 months, and 13 days of net active duty service. He served in Southwest Asia and attained the rank of SPC/E-4. His service record is void of any derogatory information and there is no documentation indicating any of his commanders disqualified him for the Army Good Conduct Medal (2nd Award). The Board determined he is eligible for a second award.

e. Hand Grenade Qualification Badge: Grant. Item 9 of the applicant's DA Form 2-1 shows Hand Grenade Badge, Second Class, awarded April 1986; (in the past, the Army used the designation of "Hand Grenade, Second Class" for what is now the Marksman Marksmanship Qualification Badge with Grenade Bar).

f. Campaign Defense of Saudi Arabia: No Action. The applicant served in Southwest Asia from 10 October 1990 to 18 April 1991, through three campaigns. His DD Form 214 already lists 3 bronze service stars affixed to the Southwest Asia Medal.

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 in addition to the corrections addressed in Administrative Note(s) below, by:

- Awarding him the Army Good Conduct Medal (2nd Award) for service for the period 18 February 1989 through 17 February 1992
- Adding to his DD Form 214 the Army Good Conduct Medal (2nd Award), Army Commendation Medal with V Device, and Marksman Marksmanship Qualification Badge with Grenade Bar

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 the Army Commendation Medal and Combat Medical Badge.

[Redacted]

[Redacted]

[Redacted]

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):

1. AR 635-5 (Separation Documents), in effect at the time, stated the DD Form 214 was to list all authorized awards and decorations.
2. AR 600-8-22 (Military Awards), currently in effect, states:
 - a. The Korea Defense Service Medal is authorized for award to members of the Armed Forces of the United States who have served on active duty in support of the defense of the Republic of Korea; the period of eligibility is 28 July 1954 to a date to be determined by the Secretary of Defense.
 - b. The Kuwait Liberation Medal – Saudi Arabia is awarded to members of the Armed Forces of the United States who participated in the Persian Gulf War between 17 January 1991 and 28 February 1991.
 - c. The Kuwait Liberation Medal – Government of Kuwait is awarded to members of the Armed Forces of the United States who participated in the Persian Gulf War between 2 August 1990 and 31 August 1993.
3. PO awarded the Army Good Conduct Medal (1st Award); (replace with the Army Good Conduct Medal (2nd Award) if Board approves).
4. Based on the foregoing, amend the applicant's DD Form 214, ending 30 April 1992, by deleting the Kuwait Liberation Medal and adding the following:
 - Army Good Conduct Medal (1st Award)
 - Korea Defense Service Medal
 - Kuwait Liberation Medal – Saudi Arabia
 - Kuwait Liberation Medal – Government of Kuwait

REFERENCES:

1. Title 10, USC, 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. AR 600-8-22 (Military Awards), currently in effect, states:

a. The Army Commendation Medal may be awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. The bronze "V" device indicates acts of heroism involving conflict with an armed enemy and is an authorized device with the Army Commendation Medal. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

b. The Army Good Conduct Medal is awarded for exemplary behavior, efficiency, and fidelity in active federal military service.

(1) Any one of the following periods of continuous enlisted active Federal military service qualified the Soldier for this award:

- Each 3-year period completed on or after 27 August 1940
- For the first award only, upon termination of service, on or after 27 June 1950, of less than 3 years but more than 1 year

(2) The Soldier's immediate commander had to evaluate the Soldier's character as above reproach. Additionally, The record of service had to show that the Soldier had willingly complied with the demands of the military environment, had been loyal and obedient to his superiors, had faithfully supported the goals of his organization and the Army, and had conducted himself in such an exemplary manner as to distinguish him from his fellow Soldiers.

(3) While not automatically disqualifying, the Soldier's commander had to take into account any record of nonjudicial punishment under Article 15, Uniform Code of Military Justice; further, a court-martial conviction served to terminate the Soldier's period of qualifying service and a new period starts on the day following the completion of the Soldier's court-martial sentence. In terms of job performance, the commander had to find that the Soldier's efficiency met requirements.

(4) In cases where the commander determined the Soldier was not qualified, he/she had to prepare a statement of rationale and must include the period of disqualification. The statement will be referred to the Soldier for comment; after considering the Soldier's response, and in those cases where the commander decided not to change his/her determination, the document was then forwarded for inclusion in the Soldiers service record. Disqualification can occur at any time during the qualifying period.

c. The Combat Medical Badge is awarded to medical department personnel (colonel and below) who are assigned or attached to a medical unit of company or smaller size that is organic to an infantry unit of brigade, regimental or smaller size which is engaged in active ground combat.

(1) The Combat Medical Badge was designed to provide recognition to the field medic who accompanies the infantryman into battle and shares experiences unique to the infantry in combat. There was never any intention to award the Combat Medical Badge to all medical personnel who serve in a combat zone or imminent danger area.

(2) As with the Combat Infantryman Badge, the Combat Medical Badge was intended to recognize medical personnel who were personally present and under fire while rendering medical care. So stringent was this requirement that during the Vietnam era, recommending officials were required to document the place (in six-digit coordinates), time, type, and intensity of fire to which the proposed recipient was exposed while rendering medical care.

(3) Effective 16 January 1991, medical personnel who were assigned or attached to armor and ground cavalry units of brigade or smaller size and who satisfactorily performed medical duties while the unit was engaged in actual ground combat, provided they are personally present and under fire, are eligible for this award.

(4) The Combat Medical Badge is authorized for award for qualifying service during the Southwest Asia Conflict (17 January to 11 April 1991).

3. AR 15-185, currently in effect, states:

a. The ABCMR decides cases on the evidence of record; it is not an investigative body. Additionally, the ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).

b. The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient

for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

//NOTHING FOLLOWS//