

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 May 2024

DOCKET NUMBER: AR20230010699

APPLICANT REQUESTS: A personal appearance before the Board, and correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show he is entitled to the Special Forces Qualification Badge.

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

- DD Form 149 (Application for Correction of Military Record)
- Personal Statement (11 pages)
- Award recommendation
- Language Proficiency Questionnaire
- Seven pages of treatment records
- Recommendation for reenrollment in the Special Weapons Qualification Course (SWQC)
- Line of Duty (LOD) determination
- Request for grade waiver
- Private medical evaluation
- Medical Evaluation Board retention letters of support (3)
- Officer Evaluation Reports (OER) (2)
- Third party letters of support (3)
- Two copies of his DD Form 214
- Department of Veterans Affairs (VA) disability rating decision (partial)
- Combat Related Special Compensation (CRSC) Letter

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:

a. He attended the SFQC training twice at an advanced age, and both times he was not evaluated fairly; he was subject to unfair and prejudicial treatment. He completed all

phases, but Robin Sage; he tested out of Language Training with a Spanish DLPT score of 3/3 and 2+/2+ in Brazilian Portuguese.

b. He served in Special Forces units and missions twice during combat tours and peacetime for nine years and was given high marks. During his training at the United States Army John F. Kennedy Special Warfare Center and School (SWCS), he received physical and mental abuse; the physical abuse causing a disabling condition that eventually ended his career. The man responsible for this abuse told him he was not Army material, much less Special Forces material, and also that "because of your ethnic background, you are inferior to your peers" (his exact words).

c. Recently after a long process, the system accepted his disabling condition and took responsibility for the cause of that disabling condition.

d. The applicant provided an 11 page "back story" document relating military career and the physical and mental abuse in and by members of his Army training creed and its effect on his service and life. He suffered from bigotry and blatant racism by training personnel.

3. The record shows he entered the Illinois Army National Guard (ARNG) in 1997 with 3 years, 9 months, and 17 days of prior Reserve Component service and he was commissioned as an 11A Infantry officer.

4. The available records are limited and do not contain documentation of his service and training. The information provided below is taken from the documentation provided by the applicant.

5. The applicant indicates he started his Special Forces (SF) training through a weekend selection "try-out," and a six month "probation" period with a SF unit formerly located in Chicago Illinois (A Co, 2nd Battalion, 20th Special Forces Group A) in 1998. He attended the SFQC course in 1999, but had to dropout. He attended airborne training in 2000 and was mobilized to attend the SFQC course in December 2001. He and several other ARNG officers were disenrolled from the training, due to not having the necessary experience for the program.

6. In 2007, he petitioned to reenter the SF training program. There are no documents available to determine if he was accepted, only a letter recommending his reentry into the program.

7. On 3 December 2008, as a member of the Warrior Transition Unit, Fort Bragg, NC, he suffered an injury that was determined to have been in the line of duty.

8. The applicant was discharged from the ARNG and transferred to the National Guard Reserves on 3 March 2012. The NGB Form 22 issued at that time shows:

- His rank as major
- 15 years, 1 month, and 2 days of net service this period
- 3 years, 9 months, and 17 days of prior Reserve Service
- 1 month and 22 days of prior active Federal Service
- Periods of Active-Duty Federal Service Covered by this form: 011220-031219, 050924- 060928, 070119-080415, and 080722-090925
- Completion of the:
 - Infantry Officer Basic Course in May 1998
 - Infantry Captains Course in June 2002
 - Combined Arms Exercise in 2005
 - CLS training in 2005
 - Maneuver Captains Career Course in July 2012

9. In 2014, he appears to have requested a waiver in grade for attendance in the Civil Affairs Qualification Course (CAQC) (not of record) and had two letters of support submitted for this purpose. In a letter of support, it is stated that in June 2013 he had reported to the CAQC, but was sent home due to a new Airborne Physical Requirement requiring a medical waiver. He had received the waiver in September 2013, but was advised in January 2014 that his waiver had expired.

10. In 2019, he appears to have had a Medical Evaluation Board (copy not available), and submitted three recommendations for retention that resulted in him being granted retention.

11. The applicant was medically retired in the U.S. Army Reserves under the provisions of Army Regulation 635-40 (Procedures for Disability Evaluation for Retention, Retirement, or Separation), Chapter 4 on 13 May 2020. The DD Form 214 issued at that time shows:

- Retirement in the rank and grade of Lieutenant Colonel, O-5
- 3 years, 2 months, and 1 day of net active service this period
- 6 years, 8 months, and 24 days of prior active service
- 17 years, 3 months, and 29 days of prior in active service
- No military education this period
- Award of the:
 - Bronze Star Medal
 - Meritorious Service Medal

- Army Commendation Medal/
- Army Achievement Medal
- Joint Meritorious Unit Award
- Army Reserve Component Achievement Medal (3rd Award)
- National Defense Service Medal
- Global War On Terrorism Service Medal
- Afghanistan Campaign Medal With 2 Campaign Stars
- Army Service Ribbon
- Overseas Service Ribbon (2nd Award)
- Armed Forces Reserve Medal with M Device

12. The VA granted the applicant disability benefits on 18 June 2020 for recurrent pulmonary embolism, and obstructive Sleep Apnea.

13. In the rating decision (only a partial was provided), it is noted their decision was based on documentation including a:

- Commander's Performance and Functional Statement ,dated 10 June 2019
- Disability Evaluation Service (DES)/VA mental health examination by Tampa VAMC, dated 2 July 2019
- DES/VA audio examination by Tampa VAMC, dated 3 July 2019
- DES/VA general medical examination by Tampa VAMC dated 19 July 2019
- MEB Proceedings dated 5 August 2019
- Medical Evaluation Board (MEB) Narrative Summary dated 11 August 2019
- Physical Evaluation Board (PER) Memorandum for VA for rating, dated 27 August 2019
- Service treatment records of the:
 - ARNG enlistment examinations, dated 20 February 1993, and 1 February 2001
 - Special Forces examination dated 2 November 2007
 - Treatment records from periods of active duty 20 February 1993 to 14 May 2020; 12 May 2009, 18 and 23 June 2019, 19 September 2019, and 18 June 2020

14. On 16 May 2023, the U.S. Army Human Resources Command granted the applicant Combat-Related Special Compensation (CRSC) for Posttraumatic Stress Disorder (70%) and Indefinite Anticoagulation Therapy Due To Recurrent Pulmonary Embolism, Obstructive Sleep Apnea (60%).

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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, available military records, the Board determined there is insufficient evidence to support the applicant contentions to show he is entitled to the Special Forces Qualification Badge. The Board recognized the applicant was assigned to a SF unit, however that does not meet the criteria for entitlement to the SF qualification badge and the applicant records are absent course completion for the SF course. Based on this, the Board denied relief.

2. 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:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

[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.

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), paragraph 8-42 provides the criteria for award of the Special Forces Tab if they meet one of the following:
 - a. Successful completion of an approved SF qualification institutional training conducted by the SWCS that leads to SF qualification.
 - b. Successful completion of a USWCS-approved RC SF qualification program as stated in paragraph 8-42c.
 - c. Successful completion of an authorized unit-administered SF qualification program as stated in paragraph 8-42d.

//NOTHING FOLLOWS//