

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 July 2024

DOCKET NUMBER: AR20230011196

APPLICANT REQUESTS:

- correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show:
 - his rank/grade of specialist (SPC)/E-4
 - award of Army Commendation Medal, Armed Forces Expeditionary Medal, Army Good Conduct Medal, U.S. Army Reserve Medal, Global War on Terrorism Service Medal, and any other authorized medals
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending 11 September 1996
- Certificate of Service in Former Republic of Yugoslavia
- Certificate of Service in Croatia
- DA Form 638 (Recommendation for Award) and Certificate, Army Commendation Medal
- Certificate of Appreciation
- Department of Veterans Affairs (VA) Rating Decision

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 served honorably and with distinction. He believes his undiagnosed condition contributed to his lack of focus and motivation in addressing his errors. He petitioned this Board some two years ago but for unknown reasons, his

packet was never processed. He asks the Board to grant him the requested relief in the interest of justice.

3. The applicant enlisted in the Regular Army on 17 March 1994.

4. He served in Germany from 1 August 1994 to 7 September 1996. He was assigned to 512th Maintenance Company. During this service:

a. He received a Certificate of Service, United Nations Peace Force, Joint Task Force Provide Promise, for service in support of the United Nations Peace Forces in the Former Republic of Yugoslavia – Croatia from 23 April 1995 to 22 August 1995.

b. He received a Certificate of Service in support of the United State Army Joint Task Force – Operation Provide Promise (Forward) in Zagreb – Croatia from 25 February 1995 to 22 August 1995.

c. He received a Certificate of Appreciation, 249th Engineer Battalion, 5 May 1995, for dedication and support of the unit and the Joint Task Force.

d. Headquarters, Joint Task Force Provide Promise (Forward), Permanent Order Number 193-001, dated 12 July 1995, awarded him the Joint Service Achievement Medal for achievement from 25 February 1995 to 23 August 1995.

4. Permanent Order Number 225-4, issued by Headquarters, 29th Support Group, on 12 August 1996, awarded him the Army Commendation Medal for meritorious service from 1 August 1994 to 7 September 1996.

5. His record does not contain orders or a DA Form 4187 (Personnel Action) promoting him to SPC/E-4.

6. His record does not contain orders awarding him the Army Good Conduct Medal. It also does not contain a commander's disqualification memorandum or derogatory information that would have disqualified him from receiving this award.

7. He was honorably released from active duty on 11 September 1996 and he was transferred to the U.S. Army Reserve Control Group for completion of his required statutory service. He completed 2 years, 5 months, and 25 days of active service. His DD Form 214 shows in:

- Blocks 4a (Grade, Rate or Rank): private first class (PFC)
- 4b (Pay Grade): E-3
- Block 12f (Foreign Service): 2 years and 12 months
- Block 12h (Effective Date of Pay Grade): 1 March 1995

- Block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded and Authorized):
 - Overseas Service Medal
 - NATO Medal
 - Mechanic Badge
 - Armed Forces Service Medal
 - United Nations Medal
 - Army Achievement Medal
 - National Defense Service Medal
 - Army Service Ribbon
 - Joint Service Achievement Medal
 - Expert Marksmanship Badge with Grenade Bar
 - Marksman Marksmanship Badge with Rifle Bar
- Block 18 (Remarks): does not list any deployments

8. Following his release from active duty, he was assigned to 971st Quartermaster battalion in Rio Grande, TX.

9. On 2 May 2000, he was reassigned from his Reserve troop program unit to the U.S. Army Reserve Control Group (Reinforcement).

10. He was discharged from the U.S. Army Reserve on 26 March 2004 with an under honorable conditions (General) characterization of service in accordance with Army Regulation 135-178 (Enlisted Administrative Separations). His orders reflect he was discharged in the rank/grade of SPC/E-4.

11. By regulation (AR 635-5), the DD Form 214 shows the active duty rank/grade held by the Soldier at the time of separation and Block 12h reflects the effective date of pay grade.

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

a. The Global War on Terrorism Service Medal may be awarded to servicemembers serving on or after 11 September 2001 through 10 September 2022 in supported operations to counterterrorism in a nondeployed status, whether stationed in the United States or overseas, are as follows: the Servicemember must have served on active duty in the Military Services on or after 11 September 2001 for a minimum of 30 consecutive days or 60 nonconsecutive days.

b. The Armed Forces Expeditionary Medal is authorized for Operation Joint Guard (20 December 1996 to 20 June 1998) only for participants deployed in support of the

Former Republic of Yugoslavia in Bosnia-Herzegovina, and Operation Joint Forge (21 June 1998 to 2 December 2004) only for participants deployed in Bosnia-Herzegovina and Croatia, aboard naval vessels operating in the Adriatic Sea, and their respective airspace.

c. The Army Good Conduct Medal is authorized for each 3 years completed on or after 27 August 1940 and for first award only, upon termination of service on or after 27 June 1950, of less than 3 years but more than 1 year.

d. The U.S. Army Reserve Medal. There is no such award on Army Regulation (AR) 600-8-22 (Military Awards). The Army Reserve Components Achievement Medal is awarded for exemplary behavior, efficiency, and fidelity while serving as a member of an ARNG unit or USAR TPU.

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 review based on law, policy, and regulation. The evidence of record shows the applicant was awarded the Army Commendation Medal by permanent order for the period 1 August 1994 to 7 September 1996; however an administrative error occurred in adding this award to the applicant's DD Form 214 for the period ending 11 September 1996. The Board determined the applicant received the award and that his record should reflect the award. The Board also determined the applicant served a period of honorable eligible service to be awarded the Army Good Conduct Medal (First Award).
2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted for the applicant's request to amend his DD Form 214 to reflect the rank/grade of specialist (SPC)/E-4. The applicant's record is void of documentation supporting he was promoted to SPC/E-4 prior to his release from active duty and transfer to the U.S. Army Reserve on 11 September 1996.
3. The Board also determined the applicant did not meet the criteria for award of the Armed Forces Expeditionary Medal, U.S. Army Reserve Medal, or Global War on Terrorism Service 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

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: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 11 September 1996 to show award of the:

- Army Commendation Medal
- Army Good Conduct Medal (First Award)

2. The Board further determined that 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:

- promotion to SPC/E-4
- award of the Armed Forces Expeditionary Medal
- award of the U.S. Army Reserve Medal
- award of the Global War on Terrorism Service Medal

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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.

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 (Separation Documents), in effect at the time, prescribed the separation documents that must be prepared for Soldiers at the time of retirement, discharge, or release from active duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214. The DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. For:

- Blocks 4a and 4, enter the active duty rank held by the Soldier at the time of separation.
- Block 12i, enter the effective date of pay grade
- Block 18, For active duty Soldiers, list any/all OCONUS deployments completed during the period of the DD Form 214 being created, with the statement SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates)

3. Army Regulation 600-8-22 (Military Awards) provides for the following awards:

a. The Global War on Terrorism Service Medal is authorized for award to Servicemembers of the Armed Forces of the United States who participated in or served in support of approved GWOT operations outside of the designated area of eligibility or a designated counterterrorism operation. Eligibility criteria for Servicemembers serving on or after 11 September 2001 through 10 September 2022 in supported operations to counterterrorism in a nondeployed status, whether stationed in the United States or overseas, are as follows: the Servicemember must have served on active duty in the Military Services on or after 11 September 2001 for a minimum of 30 consecutive days or 60 nonconsecutive days, not including initial accession training; or regardless of time served, while on active duty in the Military Services on or after 11 September 2001— (a) Was engaged in actual combat; (b) Was killed, wounded, or died not due to negligence or wrongful misconduct.

b. The Armed Forces Expeditionary Medal may be awarded to servicemembers who participate or have participated as members of the U.S. military units in a U.S. military operation in which Servicemembers of any military department participate, in the opinion of the Joint Chiefs of Staff, in significant numbers; or encounter during such participation foreign armed opposition, or are otherwise placed, or have been placed, in such position that, in the opinion of the Joint Chiefs of Staff, hostile action by foreign armed forces was imminent even though it did not materialize. It is authorized for three categories of operations (1) U.S. military operations; (2) U.S. operations in direct support of the United Nations (UN); and (3) U.S. operations of assistance for friendly foreign nations. Specific locations include Operation Joint Guard (20 December 1996 to 20 June 1998) only for participants deployed in support of the Former Republic of Yugoslavia in Bosnia-Herzegovina, and Operation Joint Forge (21 June 1998 to 2 December 2004) only for participants deployed in Bosnia-Herzegovina and Croatia, aboard naval vessels operating in the Adriatic Sea, and their respective airspace.

c. The Army Good Conduct Medal may be awarded for each 3 years completed on or after 27 August 1940 and for first award only, upon termination of service on or after 27 June 1950, of less than 3 years but more than 1 year. It is awarded for exemplary behavior, efficiency, and fidelity in active Federal military service. It is awarded on a selective basis to each Soldier who distinguishes themselves from their fellow Soldiers by exemplary conduct, efficiency, and fidelity throughout a specified period of continuous enlisted active Federal military service, as outlined in this chapter. There is no right or entitlement to the medal until the immediate commander has approved the award and the award has been announced in permanent orders.

d. The Army Reserve Component is awarded for exemplary behavior, efficiency, and fidelity while serving as a member of an Army National Guard (ARNG) unit or USAR TPU (Troop Program Unit) or as an IMA (Individual Mobilization Augmentee). The individual must have been a member of an ARNG unit or USAR TPU. The medal is also awarded to USAR Soldiers serving as IMAs after completing qualifying service and on recommendation of the unit commander or HQDA official to which the IMA is assigned. AGR Soldiers and officers are not authorized award of the ARCAM. Approval authority for award (including retroactive) of the ARCAM for ARNG man-day units and USAR TPU Soldiers is the Soldier's unit commander. Approval authority for award (including retroaction) of the ARCAM to USAR IMA Soldiers is the staff personnel officer for the unit where the IMA Soldier is assigned.

4. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the

application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. 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.

//NOTHING FOLLOWS//