

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 May 2024

DOCKET NUMBER: AR20230011238

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 4 September 1991 to show in:

a. items 4a (Grade, Rate, or Rank) and 4b (Pay Grade), his rank/grade as sergeant (SGT)/E-5);

b. item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized), he was awarded:

- two Army Commendation Medal (ARCOMs)
- two Army Achievement Medals (AAMs)
- Humanitarian Service Medal (HSM)
- Presidential Unit Citation (PUC)

c. item 14 (Military Education), he completed the Primary Leadership Development Course.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552).

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 was awarded two ARCOMs for his service in support of Operation Desert Storm and two AAMs for being the best surveyor in Europe for 2 years;

b. he was awarded the HSM for fighting forest fires in Montana and Wyoming in 1988;

c. he fired Expert twice, but his weapons qualification record was never updated; and

d. he received a field promotion from corporal (CPL)/E-4 to SGT/E-5 from his executive officer during Operation Desert Storm, but the rank was withdrawn when he would not reenlist.

3. He enlisted in the Regular Army on 9 September 1987. Upon completion of initial entry training, he was awarded military occupational specialty (MOS) 82C (field artillery surveyor). He was assigned to Headquarters and Headquarters Battery, 1st Battalion, 11th Field Artillery Regiment, Fort Lewis, WA, in duty MOS 82C effective 29 February 1988.

4. His military records do not contain, and he did not provide documentation of forest firefighter certification or orders awarding him the HSM for fighting forest fires in 1988.

5. He was reassigned to Headquarters and Headquarters Battery, 3rd Battalion, 17th Field Artillery Regiment, Germany, effective 4 March 1989.

6. His DA Form 3945-R (Record of Fire Scorecard) (Rifle), 21 February 1990, shows he qualified as Expert.

7. 400th Personnel Service Company, Germany, Orders Numbers 59-33, 6 March 1990, laterally appointed him to the rank/grade of CPL/E-4 effective 1 July 1989.

8. He deployed to Southwest Asia with his unit in support of Operation Desert Shield/Desert Storm from 16 December 1990 through 13 April 1991.

9. His military records are void of orders promoting him to the rank/grade of SGT/E-5.

10. His military records are void of orders awarding him the ARCOM, AAM, or HSM.

11. Item 41 (Awards and Decorations) of his DA Form 2-1 (Personnel Qualification Record – Part II) shows he was awarded or authorized the:

- Army Service Ribbon
- National Defense Service Medal
- Army Good Conduct Medal (1st Award), 7 August 1991
- Southwest Asia Service Medal with two bronze service stars
- Overseas Service Ribbon

- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16), 11 April 1989
- 2nd Class Gunner (Marksman) Marksmanship Qualification Badge with Grenade Bar, 11 November 1987

12. His military records are void of a DA Form 1059 (Service School Academic Evaluation Report) showing he completed the Primary Leadership Development Course.

13. He was honorably released from active duty in the rank/grade of CPL/E-4 on 4 September 1991. He completed 3 years, 11 months, and 26 days of net active service during this period, including 2 years and 6 months of foreign service in Germany and Southwest Asia. His DD Form 214 shows he was awarded or authorized the:

- Army Service Ribbon
- Overseas Service Ribbon
- National Defense Service Medal
- Army Good Conduct Medal
- Southwest Asia Service Medal with two bronze service stars
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- Marksman Marksmanship Qualification Badge with Grenade Bar

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, 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 and available military records, the Board determined the applicant's record is absent sufficient evidence showing an approved recommendation, a signed DA Form 638 or orders awarding an Army Commendation Medal (2nd Award), Army Achievement Medal (2nd Award) or the Humanitarian Service Medal. The Board concluded the burden of proof rests with the applicant to provide evidence of a clear and convincing nature with documentation to support his request for the award. Based on this the Board denied relief.

2. The Board agreed the applicant was not assigned to the unit when they received the Presidential Unit Citation (PUC). Evidence shows the 3rd Battalion, 17th Field Artillery Regiment, was awarded the PUC for the period 23 October 1965 through 26 November 1965 in Department of the Army General Orders Number 40, 1967. Based on this, the Board denied relief.

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.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
█	█	█	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, the Board found 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.



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):

The applicant is authorized administrative correction of his DD Form 214 to show the following awards without Board action:

- Kuwait Liberation Medal-Saudi Arabia

- Kuwait Liberation Medal-Kuwait
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16) in lieu of Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)

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) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The ARCOM is awarded to any service member of the Armed Forces of the United States who distinguishes him or herself by heroism, meritorious achievement, or meritorious service. Award of the ARCOM requires a formal recommendation, approval through the chain of command, and announcement in orders.

b. The AAM is awarded to any member of the Armed Forces of the United States who, while serving in a non-combat area on or after 1 August 1981, distinguished him or herself by meritorious service or achievement. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

c. The HSM is awarded to members of the Armed Forces of the United States who, after 1975, distinguished themselves by meritorious direct participation in a Department of Defense-approved significant military act or operation of a humanitarian nature. It is not awarded for participation in domestic disturbances involving law enforcement, equal rights to citizens, or protection of properties. Operation Firebreak 1987, 1988, and 1989 were qualifying operations for award of the HSM.

d. The Kuwait Liberation Medal awarded by the Kingdom of Saudi Arabia was approved on 3 January 1992 and was awarded to members of the Armed Forces of the United States who participated in the Persian Gulf War between 17 January and 28 February 1991.

e. The Kuwait Liberation Medal awarded by the Government of Kuwait was approved on 9 November 1995 and was 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.

f. The PUC is awarded to units of the Armed Forces of the United States and co-belligerent nations for extraordinary heroism in action. A unit must display such gallantry, determination, and esprit de corps in accomplishing its mission as would warrant award of the Distinguished Service Cross to an individual. The 3rd Battalion, 17th Field Artillery Regiment, was awarded the PUC for the period 23 October 1965 through 26 November 1965 in Department of the Army General Orders Number 40, 1967.

g. Marksmanship qualification badges are awarded to indicate the degree in which an individual has qualified in a prescribed record course and an appropriate bar is furnished to denote each weapon with which he or she qualified. Each bar will be attached to the basic badge that indicates the qualification last attained with the respective weapon. Basic qualification badges are of three classes: Expert, Sharpshooter, and Marksman.

3. Army Regulation 600-200 (Enlisted Personnel Management System), then in effect, prescribed the policies and procedures for the promotion and reduction of enlisted Soldiers. Paragraph 7-135a stated promotion to pay grade E-5 required completion of 8 months of time in pay grade E-4 and 3 years of time in service (primary zone) or 2 years of time in service (secondary zone). A recommendation for promotion to pay grade E-5 would be prepared on a DA Form 2496 (Disposition Form), signed by the recommending official and submitted through channels to the headquarters of the promotion authority. Waivers for one-half of the time in pay grade were permissible. There were no provisions for automatic promotion to pay grade E-5.

4. Army Regulation 635-5 (Separation Documents), then in effect, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for preparation of the DD Form 214. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. Information entered on the form should be complete and accurate. The specific instructions stated for:

a. item 13, entries will be for all periods of service. Check Soldiers' service records for validity of awards. Do not abbreviate when listing the entries; and

b. item 14, list formal in-service (full-time attendance) training courses successfully completed during the period of service covered by title, length in weeks, and month and year completed (e.g., medical, dental, electronics, supply, administrative, personnel or heavy equipment). Command and General Staff and Senior Service Colleges, Senior Warrant Officer Course, and Sergeants Major Academy Non-Resident Course may be

included when successfully completed by correspondence. This information is to assist the Soldier after separation in job placement and counseling; therefore, training courses for combat skills will not be listed.

//NOTHING FOLLOWS//