

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 April 2024

DOCKET NUMBER: AR20230011450

APPLICANT REQUESTS:

- correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), effective 9 October 2001, to show the Army Commendation Medal
- video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 638 (Recommendation for Award)

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 that he was recommended for an Army Commendation Medal, but the reverse side of the DA Form 638 contains personal information for another person that was approved for an Army Achievement Medal. He believes the mistake occurred during the process of copying awards, and believes he was awarded the Army Commendation Medal.
3. The applicant provides the front page of a DA Form 638 that shows he was recommended for award of the Army Commendation Medal.
4. A review of the applicant's service records contain sufficient information to support he is eligible for additional awards that are not annotated on his DD Form 214. As a result, these awards will be added administratively.
5. The Board will consider the portion of the request pertaining to correction of his DD Form 214 to show award of the Army Commendation Medal.

6. Review of the applicant's service record shows:

a. He enlisted in the Regular Army and entered active duty on 10 July 1998.

b. His DA Form 2-1 (Personnel Qualification Record – Part II) shows in item 5 (Overseas Service) that he served in Korea from 8 February 2000 to 6 February 2001. It also shows in item 9 (Awards, Decorations & Campaigns) the Army Service Ribbon.

c. Orders 220-0267, issued by Headquarters, III Corps and Fort Hood on 8 August 2001, released him from active duty, effective 9 October 2001.

d. On 9 October 2001, he was honorably released from active duty. His DD Form 214 shows he completed 3 years and 3 months of active service. Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) shows:

- Army Lapel Button
- Army Service Ribbon
- Sharpshooter Marksmanship Qualification Badge with Grenade Bar
- Marksman Marksmanship Qualification Badge with Rifle Bar

6. The applicant's service record is void of award of the Army Commendation Medal or Army Achievement Medal.

7. By regulation, 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.

8. Also, by regulation (AR 600-8-22):

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 Overseas Service Ribbon is awarded for successful completion of overseas tours.

BOARD DISCUSSION:

1. The Board determined 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.
  
2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant provides the front page of a DA Form 638 that shows he was recommended for award of the Army Commendation Medal. It is unclear of this award was approved/disapproved or downgraded to a lesser award. It is also unclear what permanent order or authorizing headquarters announced this award.

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.

[REDACTED]

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[REDACTED] [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):

The applicant's service records contain evidence substantiating the following administrative corrections to the applicant's DD Form 214 without Board action. As a result, amend his DD Form 214, for the period ending 9 October 2001, by adding:

- Korea Defense Service Medal
- Overseas Service Ribbon

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 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 may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, 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.

3. Army Regulation 600-8-22 (Military Awards) 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. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

b. 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.

c. The Overseas Service Ribbon was established by the Secretary of the Army on 10 April 1981. Effective 1 August 1981, all members of the Active Army, Army National Guard, and Army Reserve in an active Reserve status are eligible for the award for successful completion of overseas tours. The award may be awarded retroactively to

those personnel who were credited with a normal overseas tour completion before 1 August 1981 provided, they had an Active Army status on or after 1 August 1981.

//NOTHING FOLLOWS//