

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 May 2024

DOCKET NUMBER: AR20230011665

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show award of the Meritorious Service Medal (2nd Award).

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

- DD Form 149 (Application for Correction of Military Record)
- Meritorious Service Medal certificate, 20 April 1990
- DD Form 214
- Meritorious Service Medal certificate, 1 June 1992

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 was awarded a Meritorious Service Medal at retirement, subsequently returned to active duty after retirement and was awarded a second Meritorious Service Medal. He wants to make sure the record is correct for his gravestone.
3. While a member of the U.S. Army Reserve, the applicant was awarded the Meritorious Service Medal for meritorious achievement from 23 June 1984 to 19 May 1990.
4. The applicant entered active duty this period on 25 March 1991, he was honorably released from active duty on 31 July 1991. Block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) lists a Meritorious Service Medal.
5. The applicant provides a Meritorious Service Medal certificate for meritorious service from 25 March to 27 September 1991, awarded 1 June 1992. Orders are not present.

6. Army Regulation 600-8-22 (Military Awards) states the Meritorious Service Medal is awarded to members of the Armed Forces of the United States or of a friendly foreign nation who distinguish themselves by outstanding meritorious achievement or service. After 16 January 1969 but prior to 11 September 2001, the Meritorious Service Medal was authorized to be awarded only for meritorious service or achievement while serving in a non-combat area. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was 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. One potential outcome was to deny relief based on the applicant was awarded his second meritorious service medal during his second period of active duty. The applicant's DD Form 214 for the period ending 31 July 1991 properly annotates his MSM award for the period. However, upon review of the applicant's petition and available military records the Board determined there is sufficient evidence to support the applicant was awarded an MSM for his period of service, 1 June 1992. Therefore, the Board granted relief to correct the applicant's record.

2. The Army has an interest in maintaining the integrity of its records for historical purposes. The information in those records must reflect the conditions and circumstances that existed at the time the records were created. In the absence of evidence that shows a material error or injustice, there is a reluctance to recommend that those records be changed.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

█	:	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	█	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected to show award of the Meritorious Service Medal (2nd Award).

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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 600-8-22 states the Meritorious Service Medal is awarded to members of the Armed Forces of the United States or of a friendly foreign nation who distinguish themselves by outstanding meritorious achievement or service. After

16 January 1969 but prior to 11 September 2001, the Meritorious Service Medal was authorized to be awarded only for meritorious service or achievement while serving in a non-combat area. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

//NOTHING FOLLOWS//