

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 May 2024

DOCKET NUMBER: AR20230011723

APPLICANT REQUESTS: reconsideration of his previous request to correct his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show award of the Legion of Merit.

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

- Request for Reconsideration
- Certificate, Army Achievement Medal
- Certificate, Legion of Merit
- Permanent Orders 361-3 (Legion of Merit)
- Legion of Merit Letter
- Legion of Merit Response Letter
- Curriculum Vitae of Applicant

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20220004510 on 20 October 2022.

2. A review of the applicant's service record shows:

a. He entered active duty as a commissioned officer in the U.S. Army Reserve (USAR) on 25 April 1964.

b. He was honorably relieved from active duty on 14 June 1969. His DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), as amended by his DD Form 215 (Correction to DD Form 214) shows he completed 5 years, 1 month, and 20 days of active service. It also shows he was awarded or authorized the following awards:

- Bronze Star Medal
- Vietnam Service Medal with four bronze service stars
- Vietnam Campaign Medal with device (1960)

- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal with First Class Unit Citation
- National Defense Service Medal
- two overseas service bars

c. Permanent Order 7-1, issued by Headquarters, 1555th IMA Detachment on 6 July 1987, awarded him the Army Achievement Medal for meritorious service from 21 September 1981 to 6 July 1987.

d. Orders A-11-011749, issued by the U.S. Total Army Personnel Command on 8 November 1990, ordered him to active duty effective 10 November 1990 in support of Operation Desert Shield/Storm for a period of 119 days.

e. He was honorably released from active duty on 10 April 1991. His DD Form 214 shows he completed 5 months and 1 day of active service. It also shows he was awarded or authorized the following awards:

- National Defense Service Medal with bronze service star
- Bronze Star Medal
- Army Service Ribbon
- Vietnam Service Medal with four bronze service stars
- Republic of Vietnam Campaign Medal with device (1960)
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal with First Class Unit Citation
- two overseas service bars

f. Permanent Orders 361-3, issued by Headquarters, U.S. Army Materiel Command on 26 December 1996, awarded him the Legion of Merit for exceptionally meritorious service from December 1986 to December 1996.

g. Orders Number P-06-302883 issued by the U.S. Army Reserve Personnel Command, dated 5 June 2001, placed the applicant on the retired list, effective 22 August 2001.

4. The ABCMR rendered a decision in Docket Number AR20220004510 on 20 October 2022. The Board determined after review all supporting documents and the evidence found within the military record, partial relief was warranted.

a. His DD Form 214, effective 14 June 1969 was amended to add the Bronze Star Medal, four bronze service stars with his Vietnam Service Medal, Republic of Vietnam Gallantry Cross with Palm Unit Citation, and the Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation.

b. His DD Form 214, effective 10 April 1991, was reissued to add the Bronze Star Medal, four bronze service stars with his Vietnam Service Medal, Republic of Vietnam Gallantry Cross with Palm Unit Citation, and the Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation. On 7 May 2024, the DD Form 214 was voided and reissued due to a clerical issue found in item 12a (Date Entered AD this Period) and 12b (Separation Date this Period).

5. The applicant's service record is void of any additional DD Forms 214 that show any periods of active duty outside of 25 April 1964 to 14 June 1969 and 10 November 1990 to 10 April 1991.

6. 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.

7. Also, by regulation the Legion of Merit is awarded to any servicemember of the Armed Force of the United States who has distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services and achievements.

#### BOARD DISCUSSION:

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 review based on law, policy, and regulation. The evidence of record shows the applicant, a U.S. Army Reserve Soldier, served on active duty for the period 10 November 1990 to 10 April 1991. The applicant's award of the Legion of Merit is not in contention; however, he was awarded the Legion of Merit for the period December 1986 to December 1996. The Board determined that although a portion of the award included the time the applicant served on active duty, it was a culmination of U.S. Army Reserve service and therefore there was no provision to amend his DD Form 214 to add the award. 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.

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.

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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. Army Regulation 600-8-22 (Military Awards) provides Army policy, criteria, and administrative instructions concerning individual military decorations. Paragraph 3-13 states that the Legion of Merit was established by Act of Congress 20 July 1942 (PL 671–77th Congress). The Legion of Merit is awarded to any Servicemember of the Armed Forces of the United States or a friendly foreign nation who has distinguished himself by exceptionally meritorious conduct in the performance of outstanding services and achievements. Criteria for members of the Armed Forces of the United States are as follows:

a. The performance must have been such as to merit recognition of key individuals for service rendered in a clearly exceptional manner. Performance of duties normal to the grade, branch, specialty, assignment, or experience of an individual is not an adequate basis for this award.

b. For service not related to actual war, the term "key individuals" applies to a narrower range of positions than in time of war, which requires evidence of significant achievement. In peacetime, service should be a special requirement or of an extremely difficult duty performed in an unprecedented and clearly exceptional manner. However, justification of the award may accrue by virtue of exceptionally meritorious service in a succession of important positions.

c. Award will be made without reference to degree.

2. Army Regulation 635-8 (Separation Processing and Documents), states the DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active 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. It further states that Block 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) lists all federally recognized awards and decorations for all periods of active service.

//NOTHING FOLLOWS//