

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 May 2024

DOCKET NUMBER: AR20230011976

APPLICANT REQUESTS: correction of 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:

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- DA Form 4980-11 (Legion of Merit)

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, in effect, he received the Legion of Merit at his retirement ceremony; however, it is not reflected on his DD Form 214.
3. The applicant entered active duty in the Regular Army on 7 June 1978.
4. He retired honorably in the rank of colonel on 30 June 1999. The DD Form 214 he was issued does not list the Legion of Merit.
5. A review of the applicant's Official Military Personnel File failed to reveal any orders for the Legion of Merit pertaining to the applicant.
6. The applicant provides a copy of his Legion of Merit certificate signed on 21 July 1999 that reads:

For exceptionally meritorious service as Mission Commander, Strategic Arms Reduction Treaty/Nuclear Division, On-Site Inspection Directorate, Defense Threat Reduction Agency, Dulles, Virginia, from 1 July 1989 to 30 June 1999. [Applicant] led numerous United States arms control inspections of the strategic

nuclear forces of the Former Soviet Union under the auspices of the Intermediate-Range Nuclear Forces and Strategic Arms Reduction Treaties. Applying exceptional leadership and diplomatic skills, he ensured that the United States national interests were skillfully represented. [Applicant's] superlative performance of duty epitomizes a career devoted to accomplishing diverse, sensitive tasks .of vital national importance with unsurpassed professionalism.

7. Army Regulation 635-8 (Separation and Processing and Documents), establishes the standardized policy for preparing and distributing the DD Form 214. Chapter 5 contains guidance on the preparation of the DD Form 214, to include entering awards.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant contends he received the Legion of Merit at his retirement ceremony; however, it is not reflected on his DD Form 214. The evidence shows the applicant served on active duty from June 1978 to June 1999, retiring as a colonel. A review of his official records did not reveal any orders for the Legion of Merit. However, he provides a certificate indicating award of the Legion of merit for exceptionally meritorious service as Mission Commander, Strategic Arms Reduction Treaty/Nuclear Division, On-Site Inspection Directorate, Defense Threat Reduction Agency. This citation is consistent with his last duty assignment and his scope of responsibilities. Despite the absence of permanent orders, the Board accepted the certificate as sufficient evidence to add the Legion of merit to his DD Form 214.

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 by adding the Legion of Merit to his DD Form 214.

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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 (Military Awards) states the Legion of Merit is awarded to individuals who distinguish themselves by exceptionally meritorious conduct in the performance of outstanding services and achievements. The performance must merit recognition of key individuals for service rendered in a clearly exceptional manner. Performance of duties normal to the grade, branch, specialty, or assignment and experience of an individual is not an adequate basis for this award. In peacetime, service should be in the nature of a special requirement, or an extremely difficult duty performed in an unprecedented and clearly exceptional manner. However, justification may accrue by virtue of exceptionally meritorious service in a succession of important positions. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.
3. 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 considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//