

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 May 2024

DOCKET NUMBER: AR20230012034

APPLICANT REQUESTS: on behalf of her deceased husband, a former service member (SM), correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 30 April 2004 to show:

- an upgrade of his Army Achievement Medal (AAM), issued by Permanent Orders Number 8-1, on 12 December 1987
- Korea Defense Service Medal (KDSM)
- Combat Medical Badge (CMB)

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

- DD Form 149 (Application for Correction of Military Record)
- Certificate of Death, 18 September 2018
- DD Form 214, 30 April 2004
- DD Form 215 (Correction to DD Form 214), 12 April 2017
- DA Form 4980-18 (AAM Certificate), 10 December 1987
- Permanent Orders Number 8-1, 12 December 1987

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, the SM saved a wounded Soldier's life and was awarded the AAM on 10 December 1987. She states that saving a Soldier's life merits an award higher than an AAM, regardless of the military occupational specialty (MOS). The SM served in Korea and Grenada, and he should be awarded the CMB and KDSM.
3. The Board will not consider the applicant's request to award the KDSM, as this award is listed on the SM's DD Form 214, dated 30 April 2004.

4. The Board will not consider the applicant's request to upgrade the SM's AAM, issued on 12 December 1987.

a. Army Regulation 600-8-22 (Military Awards), paragraph 1-14, states, each recommendation for an award of military decoration must be entered administratively into military channels within 2 years of the act, achievement, or service to be honored, with the exception of the Medal of Honor, Distinguished Service Cross, and the Distinguished Service Medal. An award recommendation will be considered to have been submitted into military channels when it has been signed by the initiating officer and endorsed by a higher official in the chain of command. However, pursuant to 10 USC 1130, a Member of Congress can request consideration of a proposal for the award or presentation of decoration (or the upgrading of a decoration), either for an individual or unit, that is not otherwise authorized to be presented or awarded due to limitations established by law or policy. Based upon such review, the Secretary of the Army will make a determination as to the merit of approving the award or presentation of the decoration and other determinations necessary to comply with congressional reporting requirements under 10 USC 1130.

a. 10 USC 1130 requires that a request of this nature be referred to the Service Secretary from a Member of Congress. Therefore, the requestor must submit their request through a Member of Congress who will send it to the U.S. Army Human Resources Command (AHRC), ATTN: AHRC-PDP-A, 1600 Spearhead Division Avenue, Fort Knox, KY 40122. The burden and costs for researching and assembling documentation to support approval of requested awards and decorations rest with the requestor. If the applicant chooses to pursue an upgrade of the award(s) requested by submitting a request under the provisions of Title 10 USC 1130, and the request is subsequently denied by the AHRC, the applicant may reapply to the ABCMR. Therefore, the AAM will not be discussed further in this Record of Proceedings.

5. The Board will only consider the applicant's request for award of the CMB.

6. The applicant provides the following:

a. A certificate of death dated 18 September 2018.

b. AAM certificate, dated 10 December 1987, which shows the SM was awarded the AAM for meritorious achievement in the performance of duty on 26 November 1987. He displayed outstanding courage, knowledge, and ability in stabilizing the life of a fellow Soldier. He quickly diagnosed the condition of the injured Soldier and administered the correct emergency medical care.

c. Permanent Orders Number 8-1, issued by the United Nations Command Security Force (UNCSF) – Joint Security Area (JSA), dated 12 December 1987, which awarded the SM the AAM for meritorious achievement on 26 November 1987.

7. The SM enlisted in the Regular Army on 27 April 1978. His DA Form 2-1 (Personnel Qualification Record) shows:

- Item 5 (Oversea Service): Far East Pacific Area (FEPA) – Korea from 9 September 1987 through 24 August 1988
- Item 9 (Awards, Decorations & Campaigns): does not list the CMB. It does list Grenada for campaigns.
- Item 17 (Civilian Education and Military Schools): Medical Specialist (91B), 6 weeks, 1979
- Item 27 (Remarks): Imminent danger pay area (Grenada) from 24 October 1983 to 2 November 1983
- Item 35 (Record of Assignments) shows he was assigned to:
 - 1st Battalion (Airborne), 319th Field Artillery Regiment, Fort Bragg, NC, from 25 May 1979 to 2 September 1984, as a Battery Aidman, Medical Aide, Practical Nurse, and Section Sergeant
 - UNCSF – JSA – Korea, from 9 September 1987 to 23 August 1988, as a Dispensary Noncommissioned Officer in Charge (NCOIC) and Senior Medical Aidman

8. He was honorably released from active duty on 30 April 2004 and placed on the retired list, effective 1 November 1999. He completed 26 years and 4 days of net active service this period. His DD Form 214 shows in:

- Item 11 (Primary Specialty): 91W (Health Care Specialist) and 31U (Signal Support Systems Specialist)
- Item 12f (Foreign Service): 1 year, 11 months, and 16 days
- Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized): does not list the CMB. It does list the KDMS.

9. The SM's military record does not contain, nor does the applicant provide evidence showing he was recommended or awarded the CMB.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The CMB is authorized for several qualifying wars, conflicts, and operations, including Korea

on the DMZ (4 January 1969 to 31 March 1994) and Grenada (23 October to 21 November 1983). In order to be awarded the CMB, the member, with a qualifying medical specialty, must be assigned or attached by appropriate orders to an infantry unit of either a brigade, regiment, or smaller size, or to a medical unit of company or smaller size, organic to an infantry unit of brigade or smaller size, during any period the infantry unit is engaged in actual ground combat. The member must satisfactorily perform medical duties during any period the unit is engaged in active ground combat, provided the member is personally present and under fire. The SM held MOS 91W, Health care Specialist, and served in Korea from 9 September 1987 through 24 August 1988, assigned to the UN Command Security Force – Joint Security Area and in Grenada from 24 October 1983 to 2 November 1983 assigned to 1st Battalion, 319th Field Artillery Regiment. Based on his units of assignment and in the absence of evidence the SM satisfactorily performed medical duties during a unit’s engagement in active ground combat, the Board found insufficient evidence the SM meets the criteria.

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:

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]

[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.

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 the policy, criteria, and administrative instructions concerning military awards. Paragraph 8-7 states, the Combat Medical Badge (CMB) was designed to provide recognition to the field medic who accompanies the infantryman into battle and shares experiences unique to the infantry in combat. There was never any intention to award the CMB to all medical personnel who serve in a combat zone or imminent danger area. The CMB was intended to recognize medical personnel who were personally present and under fire while rendering medical care.

a. The CMB may be awarded to members of the AMEDD (COL/O-6 and below), assigned or attached by appropriate orders to an infantry unit of either a brigade, regiment, or smaller size, or to a medical unit of company or smaller size, organic to an infantry unit of brigade or smaller size, during any period the infantry unit is engaged in actual ground combat on or after 6 December 1941. Battle participation credit alone is not sufficient; the infantry unit must have been in contact with the enemy.

b. Effective 19 December 1989, Special Forces (SF) personnel possessing MOS 18D (SF medical sergeant) who satisfactorily perform medical duties while assigned or attached to a SF unit during any period the unit is engaged in active ground combat, provided they are personally present and under fire.

c. Effective 16 January 1991, medical personnel assigned or attached to armor and ground cavalry units of brigade or smaller size, who satisfactorily perform medical duties while the unit is engaged in actual ground combat, provided they are personally present and under fire.

d. Effective 11 September 2001, medical personnel assigned or attached to, or under operational control of any ground combat arms and combat aviation units of brigade or smaller size, who satisfactorily perform medical duties while the unit is engaged in actual ground combat, provided they are personally present and under fire.

e. On or after 18 September 2001, medical personnel assigned or attached to, or under operational control of any ground combat arms or combat aviation units of brigade or smaller size, who satisfactorily perform medical duties while the unit is engaged in active ground combat, provided they are personally present and under fire.

Retroactive awards under these criteria are not authorized for service prior to 18 September 2001.

f. The CMB is authorized for award for the following qualifying wars, conflicts, and operations: Korea on the DMZ (4 January 1969 to 31 March 1994); Grenada (23 October to 21 November 1983).

3. Section 1130 of the United States Code (Title 10 USC 1130) allows the Service Secretary concerned to review a proposal for the award of, or upgrading of, a decoration otherwise precluded from consideration by limitations established by law or policy. In order to request an award under Title 10 USC 1130, a completed DA Form 638 (Recommendation for Award), is required. The DA Form 638 should clearly identify the unit, the period of assignment, and the recommended award. A narrative of the actions or period of the award recognition requested must accompany the DA Form 638. In addition, the award request should be supported by sworn affidavits, eyewitness statements, certificates, and related documents. Commanders, leaders, and fellow Soldiers who had personal (i.e., eyewitness) knowledge of the circumstances and events related to the request are the best persons to provide corroborating evidence.

//NOTHING FOLLOWS//