

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 June 2024

DOCKET NUMBER: AR20230012526

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 30 June 1992 to show he was awarded the Legion of Merit (LOM).

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, 30 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 received the LOM when he retired from service.
3. A review of the applicant's service record shows:
 - a. He enlisted in the Regular Army on 3 April 1972.
 - b. He was honorably discharged for immediate reenlistment on 10 February 1974 and 13 August 1979.
 - c. On 27 November 1984, he was honorably discharged from the Regular Army to accept appointment as a warrant officer.
 - d. On 28 November 1984, he was appointed and took his oath of office as a chief warrant officer two (CW2) in the Regular Army.
 - e. His officer record brief does not show award of the LOM.

f. He was honorably retired on 30 June 1992. Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) of his DD Form 214 does not show he was awarded the LOM. He was awarded or authorized the following:

- Army Achievement Medal (3rd Award)
- Armed Forces Expeditionary Medal
- Army Commendation Medal (2nd Award)
- Army Service Ribbon
- Army Good Conduct Medal (4th Award)
- Joint Service Commendation Medal
- Meritorious Service Medal
- Noncommissioned Officer Professional Development Ribbon (with numeral 3)
- National Defense Service Medal (2nd Award)
- Overseas Service Ribbon (with numeral 3)
- British Armed Forces Parachutist Badge
- Belgian Armed Forces Parachutist Badge
- Expert Marksmanship Qualification Badge (pistol)
- Expert Marksmanship Qualification Badge (rifle)
- French Armed Forces Commando Badge
- Master Parachutist Badge

4. The applicant's service record does not contain and the applicant does not provide orders awarding him the LOM.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.

2. The Board found no evidence in the available service records confirming the applicant's claim that he was awarded the LOM when he retired. In the absence of documentation confirming his claim, the Board determined the evidence is insufficient as a basis for adding the LOM to his final DD Form 214 at this time.

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.

12/9/2024

X

CHAIRPERSON

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 Army policy, criteria, and administrative instructions concerning individual and unit military awards. The Legion of Merit is awarded to any service member of the Armed Forces of the United States or a friendly foreign nation who has distinguished himself or herself by exceptionally meritorious conduct in the performance of outstanding services and achievements.

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 in the nature of 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. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in permanent orders are required.

//NOTHING FOLLOWS//