

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 July 2024

DOCKET NUMBER: AR20230012816

APPLICANT REQUESTS: correction of his DD Form 214 (certificate of Release or Discharge from Active Duty) to show the Army Commendation Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- Incomplete/unapproved DA Form 638 (Recommendation for Award)

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 has the DA Form 638 that recommended him for award of the Army Commendation Medal. The correction should be made because it reflects the work and dedication he put in during his service.
3. Review of the applicant's service records shows:
 - a. The applicant enlisted in the Regular Army on 17 October 1991. He held military occupational specialty 55B, Ammunition Specialist. He served in Johnston Atoll – Island (Pacific Ocean) for 12 months from 30 June 1993 to 29 June 1994.
 - b. His service record contains a certificate, dated 25 September 1992, reflective of his award of the Army Achievement Medal during Hurricane Andrew relief operations from August to September 1992.
 - c. The DA Form 638 he provides shows on 12 May 1994, his squad leader recommended him for award of the Army Commendation Medal for service from 19 July 1993 to 18 July 1994. This form shows his company commander recommended approval. However, the approving authority did not sign it and the form does not contain a permanent order number.

d. The DA Form 638 contained in his official record shows on 12 May 1994, his squad leader recommended him for award of the Army Commendation Medal for service from 19 July 1993 to 18 July 1994. This form shows his company commander recommended approval. The approving authority approved a downgrade to the Army Achievement Medal.

e. Permanent Order 38-1, issued by Headquarters, U.S. Army Pacific on 2 June 1994, awarded him the Army Achievement Medal for service from 19 July 1993 to 18 July 1994.

f. He was honorably released from active duty on 16 October 1995 after completing 4 years of active service. His DD Form 214 shows he was awarded or authorized:

- Army Achievement Medal (2nd Award)
- Army Good Conduct Medal
- National Defense Service Medal
- Army Lapel Button
- Army Service Ribbon
- Overseas Service Ribbon
- Expert Badge with Rifle Bar

4. His service record does not contain permanent orders or a certificate awarding him the Army Commendation Medal.

5. By regulation (AR 600-8-22), awards of the Army Commendation Medal and Army Achievement Medal require a formal recommendation, approval through the chain of command, and announcement in orders.

6. Also by regulation (AR 600-8-22), Commanders having authority to approve an award may delegate disapproval authority (to include downgrade) to their immediate subordinate commanders, provided those subordinate commanders have authority to approve the next lower award.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. One potential outcome discussed was to grant relief based upon the DA Form 638 showing the unit leadership recommended the applicant for the ARCOM. However, based upon the official military record's copy of the DA Form 638 showing the approval authority downgraded the award to an Army Achievement Medal and that award is properly reflected on the applicant's DD Form 214, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's record.

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.

1/6/2025

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) states:

a. The Army Commendation Medal may be awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

b. The Army Achievement Medal is awarded to members of the Armed Forces of the United States, who while serving in a noncombat area on or after 1 August 1981, distinguished themselves by meritorious service or achievement. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

c. Commanders having authority to approve an award may delegate disapproval authority (to include downgrade) to their immediate subordinate commanders, provided those subordinate commanders have authority to approve the next lower award.

//NOTHING FOLLOWS//