

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 August 2024

DOCKET NUMBER: AR20230013581

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show in:

- item 4a (Grade, Rate, or Rank): private (PV2)
- item 4b (Pay Grade): E-2
- item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized): addition of the Global War on Terrorism Service Medal (GWOTSM)

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:  
DD Form 149 (Application for Correction of Military Record).

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 his DD Form 214 should reflect the GWOTSM, as he met the criteria prior to his separation from the U.S. Army. Additionally, he believes his rank should be restored to E-2. It was reduced by an Article 15 and sufficient time has passed that he should have been promoted back to E-2.
3. A review of the applicant's service record shows:
  - a. He enlisted in the Regular Army on 26 June 2001.
  - b. On 26 April 2002, he accepted nonjudicial punishment for one specification of wrongful possession of a tobacco product while in One Station Unit Training (OSUT) on or about 12 April 2002. His punishment included reduction to private (PVT)/E-1.
  - c. He was honorably discharged from active duty on 27 June 2002. His DD Form 214 shows he completed 1 year and 2 days of active service. He was assigned

separation code JFL and the narrative reason for separation listed as "Disability, Severance Pay," with reentry code 3. It also shows he was awarded or authorized:

- National Defense Service Medal
- Army Service Ribbon
- Expert Marksmanship Qualification Badge with Hand Grenade Bar
- Marksman Marksmanship Qualification Badge with Rifle Bar

4. A review of the applicant's record confirms he is eligible for an award that was not recorded on his DD Form 214. The award will be added to his DD Form 214 as an administrative correction and will not be considered by the Board. The Board will consider his restoration of rank.

5. By regulation, the grade from which reduced must be within the promotion authority of the imposing commander or of any officer subordinates to the imposing commander. When a person is reduced in grade as a result of an unsuspended reduction, the date of rank in the grade to which reduced is the date the punishment of reduction was imposed.

#### BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, 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. Upon review of the applicant's petition and available military records, the Board determined the evidence of record shows he accepted nonjudicial punishment under the provisions of Article 15 of the Uniform Code of Military Justice for wrongfully possessing a tobacco product. The punishment imposed by the commander included reduction to private (PVT)/E-1 from PVT/E-2. The applicant was properly reduced by the appropriate authority and therefore his request for amendment of his record to show his rank/grade as PV2/E-2 is not warranted.

2. Prior to closing the discussion, the Board noted and concurred with the analyst of record's administrative note below.

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.

ADMINISTRATIVE NOTE(S):

A review of the applicant's service records show he is authorized an additional award not annotated on his DD Form 214 for the service period ending 27 June 2002. As a result, correct his DD Form 214 to show award of the Global War on Terrorism Service Medal.

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 27-10 (Military Justice) states the grade from which reduced must be within the promotion authority of the imposing commander or of any officer subordinates to the imposing commander. When a person is reduced in grade as a result of an unsuspended reduction, the date of rank in the grade to which reduced is the date the punishment of reduction was imposed.
  
3. Army Regulation 600-8-22 (Military Awards), in effect at the time, prescribes Army policy, criteria, and administrative instructions concerning individual military awards. The Global War on Terrorism Service Medal (GWOTSM) is authorized for award to members of the Armed Forces of the United States who have participated in Global War on Terrorism operations outside of the areas of eligibility (AOE) designated for award of the Global War on Terrorism Expeditionary Medal, Afghanistan Campaign Medal, or Iraq Campaign Medal. All Soldiers on active duty, including Reserve Component Soldiers mobilized or National Guard Soldiers activated, on or after 11 September 2001 to a date to be determined having served 30 consecutive days or 60 nonconsecutive days are authorized the GWOTSM. The GWOTSM may be awarded posthumously. Only one award of the GWOTSM may be authorized to any individual; second and subsequent awards will not be awarded.

//NOTHING FOLLOWS//