

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 August 2024

DOCKET NUMBER: AR20230014137

APPLICANT REQUESTS: upgrade of his Army Achievement Medal (AAM) to an Army Commendation Medal (ARCOM)

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 638 (Recommendation for Award) (ARCOM)
- Combined Disability Rating Document

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 platoon leader recommended him for award of an ARCOM, his company commander recommended approval and the final approval authority downgraded it to an AAM. His plans were to stay in the Army. He had completed his bachelor's degree and enrolled in Graduate School for his Master's Degree. Then he was in an explosion at Fort Hood, Texas. At the time, he did not realize the injuries he sustained from the blast, but his attitude towards staying in the Army changed. He denied going to the Basic Noncommissioned Officer (NCO) Course for his promotion to staff sergeant because he was getting out. The approval authority called him into his office and tried to convince him to stay in to improve his NCO retention record. The applicant refused his request. He maintains this refusal led to the approval authority's retaliation and a downgrade of his award from an ARCOM to an AAM. He is a 100 percent disabled veteran with 70 percent of that related to post-traumatic stress disorder from the explosion. He does not feel this downgrade was warranted and respectfully requests the award be restored to its original citation of ARCOM. He was unaware that an upgrade could be made until he read an article regarding upgrading of awards.

3. A review of the applicant's service records show:

a. He enlisted in the Regular Army on 6 February 1992.

b. DA Form 638, 25 August 1997, shows he was recommended for award of the ARCOM. It was an expiration term or service award for 6 years of active duty. On 3 September 1997, his company commander recommended approval stating "[Applicant] is a dedicated, loyal, and competent NCO! His genuine desire to do the right thing has been very beneficial to the unit. Reward his efforts!" On 15 September 1997, his battalion commander, downgraded the award to an AAM. On 22 September 1997, award of the AAM was approved with Permanent Order Number 260-1.

c. He was honorably transferred to U.S. Army Control Group (Reinforcement) on 7 November 1997. His DD Form 214 (Certificate of Release or Discharge from Active Duty), as amended by his DD Form 215 (Correction to DD Form 214) shows he was awarded or authorized the:

- Army Lapel Button
- ARCOM
- AAM (2nd Award) (DD Form 215)
- National Defense Service Medal
- NCO Professional Development Ribbon
- Army Service Ribbon
- Overseas Service Ribbon (2nd Award)
- Expert Marksmanship Qualification Badge with Rifle Bar
- Expert Marksmanship Qualification Badge with Grenade Bar
- Aircraft Crewman Badge
- Driver and Mechanic Badge with Driver-W Bar
- Army Good Conduct Medal
- Korea Defense Service Medal

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. One potential outcome was to deny relief based on the brigade commander's recommendation. However, upon further review of the applicant's petition and available military records, the Board determined the applicant's immediate chain of command from his platoon leader to his battalion commander knew the applicant's meritorious service and that he was deserving of the recognition.

2. The Board found the applicant's senior leadership second guess this commander's decision. The Board noted, the applicant served a period of six (6) years with no

infractions and was highly respected by his chain of command. The Board agreed, the applicant should be awarded the Army Commendation Medal based on his chain of command recommendation. Therefore, the Board granted relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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| █ | : | █ | 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 Army records of the individual concerned be corrected by amending his DD Form 214 for the period ending 7 November 1997 to show award of the Army Commendation Medal with (2nd Oak Leaf Cluster).

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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) prescribes Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards. It states:

a. The ARCOM is awarded to any Servicemember of the Armed Forces of the United States, who, while serving in any capacity with the Army after 6 December 1941, distinguishes themselves by heroism, meritorious achievement, or meritorious service.

b. The AAM is awarded to any member of the Armed Forces of the United States, or to any member of the armed forces of friendly foreign nation, who distinguished themselves by meritorious service or achievement of a lesser degree than required for award of the ARCOM.

//NOTHING FOLLOWS//