

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 August 2024

DOCKET NUMBER: AR20230014379

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from Active Duty) to show:

- Army Commendation Medal
- training completed

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 he would like his DD Form 214 to show his Army Commendation Medal and the following training completions: "Certification of 577 Communication Track Hdqts Vehicle, Specialty Training w/German Commando Unit, S-1 Access." The applicant notes he received the Army Commendation Medal and completed the training in 1977, while a member of the 3rd Infantry Division in Germany; he does not, however, provide any further documentary evidence.
3. A review of the applicant's service records show:
 - a. On 9 August 1976, the applicant enlisted into the Regular Army for 3 years.
 - b. On 25 July 1979, he was honorably released from active duty, based on an early release policy, and transferred him to the U.S. Army Reserve for the remainder of his military service obligation. His DD Form 214 shows he completed 2 years, 11 months, and 17 days. His DD Form 214 also shows in:

(1) Item 26 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) – Expert Marksmanship Qualification Badge with Rifle and Grenade Bars.

(2) Item 27 (Remarks) – No entries pertaining to training.

c. In or around July 1999, the applicant submitted a Standard Form 180 (Request Pertaining to Military Records), wherein he asked the National Personnel Records Center (NPRC) to provide him a copy of his Army Commendation Medal documentation; he explained that he had lost the award during a move. On 8 July 1999, NPRC replied that, in order to verify the applicant's entitlement to the award, they needed a copy of the General Orders.

d. A review of the applicant's available service record, to include his DA Form 2-1 (Personnel Qualification Record – Part II), shows no orders, documentation, or entries confirming the award of the Army Commendation Medal; additionally, there is nothing indicating he completed the following training: "Certification of 577 Communication Track Hdqts Vehicle, Specialty Training w/German Commando Unit, S-1 Access."

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. The evidence of record shows the applicant served on active duty as an 11B (Infantryman) from 9 August 1976 to 25 July 1979, with service in Germany from 4 January 1977 to 3 August 1979.

2. Upon review of the applicant's petition and available military records, the Board determined his record is absent orders or evidence that shows he was awarded the Army Commendation Medal. His record is void of a recommendation, annotation on his qualification record, or any other document that would indicate he was awarded the Army Commendation Medal; therefore, the Board denied relief.

3. Upon review of the applicant's petition and available military records, the Board determined his record is absent a certificate or documentation indicating he completed any additional training, including certification of 577 communication track headquarters vehicle, special training with German commado unit, and S-1 access. The Board noted the applicant's justification for seeking veterans benefits; however, was unable to verify completion of any such training.

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.

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 (AR) 635-5 (Separation Documents), in effect at the time, prescribed policies and procedures for the completion of the DD Form 214.

a. Item 26 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized). The regulation stated that this item covered awards from the Soldier's entire Army service.

b. Item 27 (Remarks). The remarks section was to contain all entries required by the Army for which a separate item was not available. Concerning military education/training, it stated, "List in-service training courses successfully completed during this period of service; e.g., medical and dental, electronics, supply, administration, personnel, or heavy equipment operations. This information is to assist in employment placement and job counseling; therefore, training courses for combat skills will not be listed."

3. AR 15-185 (ABCMR), currently in effect, states:

a. The ABCMR decides cases on the evidence of record; it is not an investigative body. Additionally, the ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).

b. The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

//NOTHING FOLLOWS//