

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 September 2024

DOCKET NUMBER: AR20230014936

APPLICANT REQUESTS: his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the service period ending 13 February 1994 be corrected to show awards he received:

- Army Commendation Medal (ARCOM)
- Army Achievement Medal (AAM)
- Army Good Conduct Medal (AGCM)

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

- DD Form 149 (Application for Correction of Military Record)
- ARCOM Certificate, Permanent Orders (PO) 37-30, 5 March 1993
- Picture of Awards on Uniform
- DD Form 214

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 is missing three awards, his AGCM, ARCOM, and AAM. He received replacement awards recently, following his divorce; however, he noticed some were missing on his DD Form 214.
3. The applicant provides.
 - a. An ARCOM certificate dated 5 March 1993 with permanent orders number 37-30 for meritorious service as a team leader for the service period of 3 March 1990 through 3 March 1993.
 - b. A black and white picture of a ribbon rack with awards which the applicant noted was his uniform.

c. His DD Form 214 for his active service period from 11 October 1989 through 13 February 1994.

4. A review of the applicant's service record shows:

a. He enlisted in the Regular Army on 11 October 1989.

b. A DA Form 2-1 (Personnel Qualification Record) shows in item 9 (Awards, Decorations & Campaigns) the applicant was awarded:

- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
- Marksman Marksmanship Qualification Badge with Hand Grenade Bar
- Army Service Ribbon
- Parachutist Badge
- National Defense Service Medal
- Kuwait Liberation Medal – Saudi Arabia

c. Permanent Order 166-98, dated 24 September 1992, shows the applicant was awarded the AGCM for service from 11 October 1989 through 10 October 1992.

d. The available service record is void of documentation to show he was awarded the AAM.

e. On 13 February 1994, he was honorably released from active duty. His DD Form 214 shows he completed 4 years, 4 months, and 3 days of active service with no lost time. Block 18 (Remarks) shows he served in Southwest Asia from 14 August 1990 to 8 April 1991. It also shows he was awarded or authorized:

- Army Service Ribbon
- Army Lapel Button
- National Defense Service Medal
- Southwest Asia Service Medal with 2 bronze service stars
- Kuwait Liberation Medal – Saudi Arabia
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
- Parachutist Badge
- Drivers Badge

5. A review of the applicant's record confirms he is eligible for awards that are not recorded on his DD Form 214. The entries will be added to his DD Form 214 as administrative corrections and will not be considered by the Board.

6. Army Regulation 600-8-22 (Military Awards) states 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.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Permanent orders awarded the applicant the Army Good Conduct Medal and Army Commendation Medal. Neither of these awards is shown on his DD Form 214. The Board determined they should be.

b. The record does not contain, and he does not provide evidence he was recommended for or awarded the Army Achievement Medal. Award of the Army Achievement Medal requires a formal recommendation, approval through the chain of command, and announcement in orders.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
■	■	■	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the correction addressed in Administrative Note(s) below, the Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by adding to his DD Form 214 the Army Good Conduct Medal (1st Award) and Army Commendation Medal.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to award of the Army Achievement Medal.

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 additional awards not annotated on his DD Form 214. As a result, amend his DD Form 214 for the service period ending 13 February 1994, to show the following:

- Marksman Marksmanship Qualification Badge with Hand Grenade Bar
- Kuwait Liberation Medal – Kuwait

REFERENCES:

1. Title 10, USC, section 1552(b), provides that applications for correction of military records must be filed within three years after discovery of the alleged error or injustice. This provision of law also allows the Army Board for Correction of Military Records (ABCMR) to excuse an applicant's failure to timely file within the three-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. Army Regulation 600-8-22 (Military Awards) prescribes Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards. 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.

//NOTHING FOLLOWS//