

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 August 2024

DOCKET NUMBER: AR20240001316

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show he was awarded two Presidential Unit Citations (PUC)

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

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- 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 in effect, he is requesting a correction of his DD Form 214 to show he was awarded two PUCs.
3. The applicant's service record shows:
  - a. He enlisted in the Regular Army on 29 August 2002, followed by one reenlistment.
  - b. His Enlisted Record Brief (ERB) shows:
    - SECTION I (Deployment Combat Duty): None
    - SECTION VIII (Awards and Decorations): Army Good Conduct Medal (AGCM), Global War on Terrorism Service Medal (GWOTSM), Humanitarian Service Medal (HSM), Army Service Ribbon (ASR)

- SECTION IX (Assignment Information): Medical Company Ambulance from 10 August 2005 to 20060512 and Headquarters and Headquarters Troop, 3-2 Armored Cavalry from 27 January 2003 to 28 October 2004

c. His DD Form 214 shows he was honorably released from active duty on 20 November 2007. He completed 5 years, 2 months, 22 days of active service. It also shows in:

- item 12f (Foreign Service): 2 years, 2 months, and 11 days
- item 13 (Awards and Decorations): Army Commendation Medal (ARCOM) (2nd Award), Army Good Conduct Medal (AGCM), GWOTSM, HSM, Iraq Campaign Medal (ICM), ASR, Overseas Service Ribbon (OSR)
- item 27 (Remarks): "Service in Iraq 25 April 2003 to 8 July 2004 and from 5 September 2006 to 1 September 2007"

4. A review of the Army General Orders Unit Award Index, an index of general orders issued unit awards from 1987 to present, maintained by the U.S. Army Human Resources Command Military Awards Branch, failed to reveal any orders for the PUC pertaining to the units the applicant was assigned to during this period.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, 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 and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined there is insufficient evidence to support the applicant's contentions for award of two Presidential Unit Citations (PUC). The Board agreed based on regulatory guidance the award of the PUC the unit must display such gallantry, determination, and esprit de corps in accomplishing its mission under extremely difficult and hazardous conditions as to set it apart from and above other units participating in the same campaign. The Board determined there is no evidence his unit met the criteria for the award and relief was denied.

2. This board is not an investigative body. The Board determined despite the absence of the applicant's service records, they agreed the burden of proof rest on the applicant, however, he did not provide any supporting documentation and his service record has insufficient evidence to support the applicant was assigned to a unit that was awarded the PUC.

3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, the Board found 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 records shows he is authorized foreign service and additional awards not listed on his DD Form 214. As a result, amend his DD Form 214 for the period ending 20 November 2007, by amending item 13 (Decorations, Medals, Badges,

Citations, and Campaign Ribbons Awarded or Authorized) to show he was authorized the ICM with one silver service star for the following campaigns:

- Liberation of Iraq, 19 March 2003 to 1 May 2003
- Transition of Iraq, 2 May 2003 to 28 June 2004
- Iraqi Governance, 29 June 2004 to 15 December 2005
- National Resolution 16 December 2005 to 9 January 2007
- Iraqi Surge 10 January 2007 to 31 December 2008

#### 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 Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The Distinguished Unit Citation is the predecessor of the PUC. On 3 November 1966, the Distinguished Unit Citation was re-designated the PUC. The PUC is awarded to units of the Armed Forces of the United States and cobelligerent nations for extraordinary heroism in action against an armed enemy occurring on or after 7 December 1941. The unit must display such gallantry, determination, and esprit de corps in accomplishing its mission under extremely difficult and hazardous conditions as to set it apart from and above other units participating in the same campaign. The degree of valor required is the same as that which would warrant award of a DSC to an individual. For valor and heroism awards, the length of time is a consideration, and it will be only for the time of the specific heroic event or action. Extended periods of combat duty or participation in a large number of operational missions, either ground or air, is not sufficient. This award will normally be earned by units that have participated in single or successive actions covering relatively brief time spans. It is not reasonable to presume that entire units can sustain DSC performance for extended periods except under the most unusual circumstances and a written justification for an exception must be provided with the award recommendation for recognition of any length over 5 days. Only on a rare occasion will a unit larger than a BN qualify for award of this decoration.

b. Table B-1 Campaigns, provides a bronze service star is worn on the appropriate service ribbon, to include the Iraq Campaign Medal, for each credited campaign. During his service in Iraq, the applicant participated in the following campaigns:

- Liberation of Iraq, 19 March 2003 to 1 May 2003
- Transition of Iraq, 2 May 2003 to 28 June 2004
- Iraqi Governance, 29 June 2004 to 15 December 2005
- National Resolution 16 December 2005 to 9 January 2007
- Iraqi Surge 10 January 2007 to 31 December 2008

3. Army Regulation 15-185 (Army Board for Correction of Military Records) 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. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//