

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 October 2024

DOCKET NUMBER: AR20240002138

APPLICANT REQUESTS: reconsideration of his previous request:

- Award Two Army Commendation Medal (ARCOM)
- Issue Honorable Discharge Certificate for initial enlistment

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

- DD Form 149 (Application for Correction of Military Record)
- Screen shot of Veteran Administration (VA) Rated Disabilities

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20130018043 on 27 June 2014.

2. The applicant states in effect prior to his reenlistment, his service between 7 June 1982 through 7 June 1986 was honorable and he never received an honorable discharge certificate. He was awarded two ARCOMs, for participating in a training exercises at Fort Irwin, National Training Center (NTC) and Germany (REFORGER). He was diagnosed with Post Traumatic Syndrome Disorder (PTSD) and Sleep Apnea. He developed these conditions while serving in the military.

3. The applicant provides a screen shot of VA rated disabilities indicating a total combined disability rating of 90% for service-connected disabilities.

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

a. He enlisted in the Regular Army on 7 June 1982. He held an infantry specialty. He reenlisted on 10 April 1986. His DA Form 2-1 (Personnel Qualification Record) shows the following:

- Item #5 (Overseas Service) he served: Far East Pacific Area (FEPA) Korea from 12 January 1983 to 11 January 1984

- Item # 9 (Awards, Decorations and Campaigns): no entry for the Army Commendation Medal

c. Permanent Orders dated 5 June 1985 awarded him the Good Conduct Medal for period of service 7 June 1982 through 6 June 1985.

d. He was discharged from active duty on 30 April 1987 due to misconduct in accordance with chapter 14-12c of Army Regulation 635-200 (Personnel Separations), with a general, under honorable conditions discharge. His DD Form 214 shows he completed 4 years, 10 months, and 24 days of active service.

(1) He was awarded or authorized: Army Service Ribbon, Overseas Service Ribbon, Good Conduct Medal, Army Achievement Medal (1st Oak Leaf Cluster) , and NCO Professional Development Ribbon

(2) The Remarks Block listed his reenlistment but does not mention is continuous honorable service or whether he completed his first term of service.

5. On 27 June 2014, the ABCMR rendered a decision in Docket Number AR20130018043. The Board found the applicant's service record showed there was no evidence indicating he was recommended for or awarded the Army Commendation Medal. Absent orders awarding him the Army Commendation Medal or official documentation confirming that such orders were published, there is an insufficient basis upon which to correct his DD Form 214 to show this award.

6. Army Regulation 600-8-22 (Military Awards) states the Army Commendation Medal may be awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

7. MEDICAL REVIEW:

a. The Army Review Boards Agency (ARBA) Medical Advisor was asked to review this case. Documentation reviewed included the applicant's ABCMR application and accompanying documentation, the military electronic medical record (EMR – AHLTA and/or MHS Genesis), the VA electronic medical record (JLV), the electronic Physical Evaluation Board (ePEB), the Medical Electronic Data Care History and Readiness Tracking (MEDCHART) application, and/or the Interactive Personnel Electronic Records Management System (iPERMS). The ARBA Medical Advisor made the following findings and recommendations:

b. The applicant is applying to the ABCMR requesting an upgrade of his under honorable conditions (general) 30 April 1987 discharge. On his DD 149, he has indicated that PTSD is an issue related to his request. He states: "Diagnosed with PTSD and sleep apnea ... PTSD was developed while in Korean and Ft. Polk. Sleep apnea was developed while first told about sleep habits in basic training."

c. The Record of Proceedings details the applicant's military service and the circumstances of the case. The applicant's DD 214 for the period of service under consideration shows he entered the regular Army on 7 June 1982 and was discharged on 30 April 1987 under the separation authority provided by chapter 14 of AR 635-200, Active Duty Enlisted Administrative Separations (15 April 1986): Misconduct. No periods of duty in a hazardous duty pay area are listed on this DD 214.

d. No medical documentation was submitted with the application and the period of service under consideration predates the EMR.

e. Neither the applicant's separation packet nor documentation addressing his misconduct was submitted with the application or uploaded into iPERMS.

f. JLV shows he has fourteen (14) VA service-connected disabilities, including sleep apnea syndrome (50% effective December 2009) and PTSD (30% effective July 2020).

g. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? YES: PTSD

(2) Did the condition exist or experience occur during military service? The applicant's PTSD has been service connected by the VA.

(3) Does the condition or experience actually excuse or mitigate the discharge? Unknown: A recommendation for or against mitigating his misconduct cannot be made without knowledge of the nature of the service ending misconduct.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The Board carefully considered the applicant's request, supporting documents, evidence in the records, and published DoD guidance for liberal consideration of discharge upgrade requests.

a. Army Commendation Medal: Deny. The Board found no evidence in the record and the applicant provides none that shows the applicant was recommended for or awarded the Army Commendation Medal. Award of the Army Commendation Medal requires a formal recommendation, approval through the chain of command, and announcement in orders. In the absence of the permanent orders, the Board found insufficient evidence to add these awards to his DD Form 214.

b. Continuous Honorable Service: Grant. The Board noted that the applicant's service from first date of enlistment to the date before his last reenlistment was honorable. For enlisted Soldiers with more than one enlistment period during the time covered by this DD Form 214, in addition to listing immediate reenlistment(s), an entry is required for continuous honorable service from first day of service for which DD Form 214 was not issued until date before commencement of current enlistment.

2. 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:

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 amending his DD Form 214 for the period ending on 30 April 1987 to show:

- Continuous Honorable Service from 1982-06-07 to 1986-04-10
- Member Completed First Full Term of Service

2. 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 to amend the decision of the ABCMR set forth in Docket Number AR20130018043 on 27 June 2014 regarding two awards of the Army Commendation 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 NOTES:

Based on the applicant's service in Korea, he is eligible for award of the Korea Defense 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 600-8-22 (Military Awards) states the Army Commendation Medal may be awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.
3. Army Regulation 635-200 (Personnel Separations) sets forth the basic authority for the separation of enlisted personnel. Paragraph 3-7a provides that an honorable discharge is a separation with honor and entitles the recipient to benefits provided by law. The honorable characterization is appropriate when the quality of the member's service generally has met the standards of acceptable conduct and performance of duty

for Army personnel, or is otherwise so meritorious that any other characterization would be clearly inappropriate.

4. Army Regulation 635-8 (Separations Processing and Documents), currently in effect, provides for the preparation and distribution of the DD Form 214. It states for item 18 (Remarks) to Soldiers who have previously reenlisted without being issued a DD Form 214 and are separated with any characterization of service except "Honorable", enter "Continuous Honorable Active Service from" (first day of service for which DD Form 214 was not issued) Until (date before commencement of current enlistment).

//NOTHING FOLLOWS//