

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 October 2024

DOCKET NUMBER: AR20240002293

APPLICANT REQUESTS:

a. Reconsideration of his previous request for removal of his Army Commendation Medal with C device from his Army Military Human Resource Record (AMHRR) or reinstatement of award of his Army Commendation Medal with C device dated 25 May 2020

b. New request: Request all awards, decorations, certificates of achievement, badges, medals, and citations be revoked after flag counseling

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

- DD Form 149 (Application for Correction of Military Record)
- DA form 268 (Recommendation for Award) Army Commendation Medal with C Device
- Army Commendation Medal Certificate
- Permanent Order 104-002 Army Commendation Medal with C Device revocation
- DA Forms 4856 (Developmental Counseling Form)
- Email Regarding Revocation of Awards

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 AR20200009134 on 10 August 2021.

2. The applicant states, in effect, his Army Commendation Medal with C device was revoked by the Human Resources Directorate (HRD) at Tripler. He is requesting all awards, decorations, certificates of achievement, badges, medals, and citations he received after his flag counseling be revoked. HRD states they cannot do this, and they should not have revoked the Army Commendation Medal with C device. He was no longer branch certified and was not being flagged due to separation. The flag and other Uniform Code of Military Justice/administrative actions would not be imposed because of his separation. Since he was not branch qualified and was a disgrace to the Army, he

is requesting all awards be revoked to uphold the high standards of the Army and military service. It is unjust to only revoke one award and not all of them. All of the awards need to be revoked for him. His actions brought great discredit to the uniformed service. If this is not the case, then the Army Commendation Medal with C device should be reinstated and/or never have been revoked in the first place.

3. The applicant provides the following documents:

a. DA Forms 4856 (Development Counseling Form) show he was counseled on:

(1) 25 September 2023, he was attempting to better himself through education and eventual transition out of the Army. He needed to improve in duty and respect. He needed improvement in mandatory requirements for Army readiness and training requirements as well as professional requirements needed to for his license. He needed significant improvement in communication with the counselor and Staff Sergeant C-. He did not respond to emails or text messages in a timely manner. He did not provide information in detail when asked. He had not contributed to the team. He agreed with the counseling and signed the form.

(2) 25 September 2023, for substandard performance. The purpose of the counseling was to determine why he failed to maintain mandatory certification for his area of concentration (AOC), to reinforce requirements that must be met in order for him to perform his duties, to reinforce requirements to be accountable for his actions, and to reinforce communication requirements. He agreed with the counseling and signed the form.

(3) 10 January 2024, regarding his failure to re-certify in the Basic Lifesaver Course (BLS), which is an AOC requirement. His BLS expired on 6 April 2023. He was provided adequate opportunities to attend BLS. If he failed to complete BLS by 31 January 2024, a flag would be initiated for "Professional licensing, certification, and competency", which was a nontransferable flag that may prevent him from transferring to the Soldier Recovery Unit or from participating in a career skills program. He agreed with the counseling and signed the form.

b. Email from Commander, Alpha Company, Medical Readiness Battalion, 22 February 2024 states they had received the response from U.S. Army Human Resources Command (AHRC) regarding the request to revoke his awards. Per guidance from AHRC, his Army Commendation Medal with C device should not have been revoked by HRD. Regardless, HRD could not revoke the rest of his personal decorations due to the guidance from AHRC.

c. Email from AHRC, 22 February 2024, states the request to revoke his awards could not be processed. Army Regulation 600-8-22 (Military Awards), paragraph 1-30

(Revocation of personal decorations and suspension of authority to wear) "once an award has been approved, the same commander may revoke the award if facts subsequently determined would have prevented original approval of the award had they been known at the time of approval."

3. The applicant's service record contains the following documents:

a. Having had prior enlisted service, DA Form 71 (Oath of Office - Military Personnel) shows he took the oath of office as a Reserve Commissioned Officer on 11 May 2007.

b. He received the following awards:

(1) Army Achievement Medal for meritorious service as a military policeman (MP) on 28 September 1999.

(2) Superior Cadet Decoration Award for the academic year of 2004 through 2005.

(3) Orders 273-6, published by Headquarters and Headquarters Detachment 94th MP Battalion, 30 September 1999 awarded him the Driver's Badge (Driver - W) for the period of service of 23 November 1998 through 26 October 1999.

(4) Permanent Orders 146-03, published by Headquarters and Headquarters Company, 3rd Brigade, 3rd Infantry Division (Mechanized), 9 August 2001 awarded him the Army Good Conduct Medal (1st Award).

(5) Army Achievement Medal for exceptionally meritorious achievement as a dog handler on 23 November 2003.

(6) Memorandum For Record awarded him the Global War on Terrorism Expeditionary Medal on 5 May 2004.

(7) The Army Commendation Medal for exceptionally meritorious service while assigned as a patrol explosive detector dog handler on 15 July 2004.

(8) The Army Commendation Medal for meritorious service during Operation Iraqi Freedom on 6 June 2009.

(9) Permanent Orders 302-44, published by Headquarters, 75th Ranger Regiment, 29 October 2009 awarded him the Expert Field Medical Badge.

(10) The Army Commendation Medal for meritorious service while assigned as a staff nurse on the medical surgical unit on 16 August 2010.

(11) Permanent Orders 242-12, published by AHRC, 30 August 2011 awarded him the Army Superior Unit Award.

(12) The Army Commendation Medal for meritorious service while assigned as a Nurse Case Manager in the Warrior Transition Battalion on 10 May 2012.

(13) The Meritorious Service Medal for meritorious service as a nurse and company commander on 20 April 2015.

(14) The Outstanding Unit citation on 15 November 2018.

(15) The Humanitarian Service Medal for Department of Defense Coronavirus Operations and Activities on 9 December 2020.

c. Orders BN-213-0022, published by Headquarters, United States Maneuver Center of Excellence, 1 August 2019 deployed him in a temporary change of station status in support of Operation Inherent Resolve - Iraq effective 6 October 2009 not to exceed 300 days.

d. DA Form 638 (Recommendation for Award), 21 May 2020, shows he was recommended for award of the Army Commendation Medal with C Device for exceptionally meritorious service, while deployed in a combat zone with exposure to risk of hostile actions. The approval authority approved the award stating outstanding performance in a combat zone, during a volatile and unprecedented period. His dedication, hard work, expertise, and professionalism saved lives. His performance epitomized the unit motto WE GOT THIS! The award was approved by Permanent Order Number 143-021 on 25 May 2020.

e. Permanent Order 104-002, published by Headquarters, Tripler Army Medical Center, 14 April 2021, revoked permanent order number 143-021 pertaining to award of the Army Commendation Medal with C device to the applicant in accordance with Army Regulation (Personnel - General Military Orders) paragraph 2-21.

f. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was honorably retired on 13 June 2024. His DD form 214 does not show he was awarded the Army Commendation Medal with C Device.

g. The applicant's service record is void of a flagging action or counseling statements.




4. On 10 August 2021, the Board, in response to the applicant's previous request to remove his Army Commendation Medal with C device from his Army Human Resources Record (AMHRR) in AR20200009134, stated after reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Regulatory guidance provides for the recording of permanent orders, amendments, and revocations to orders in the military record. Based upon the preponderance of the evidence, the Board agreed there was no error or injustice in this case.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.
2. The Board found the available records do not show what facts were discovered that led to the revocation of the applicant's Army Commendation Medal with C device. Even though the award was not revoked by the headquarters that issued the award, the Board noted that the headquarters that issued the award was a forward deployed task force that likely had disbanded upon redeployment. Without knowing the basis of the revocation, the Board found insufficient evidence to support a recommendation for relief. Based on a preponderance of the evidence, the Board determined the documents related to the applicant's Army Commendation Medal with C device should remain in his AMHRR and the award should not be reinstated.
3. The Board found no basis for removing any other medals, badges, or other forms of recognition from the applicant's record. With regard to awards, the Board determined his record should remain as currently constituted.

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 that the overall merits of this case are insufficient as a basis to amend the decision of the ABCMR set forth in Docket Number AR20200009134 on 10 August 2021.

4/1/2025

XCHAIRPERSON  


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

a. Revocation of personal decorations and suspension of authority to wear states once an award has been approved, the same commander may revoke the award if facts subsequently determined would have prevented original approval of the award had they been known, at the time of approval. Failure to be reassigned or separated as originally scheduled does not constitute grounds for revocation of an award, which was presented. The revocation of decorations under the honorable service requirement should be used sparingly and should be limited to those cases where the servicemember's actions are not compatible with continued military service, result in criminal convictions, or result in determinations that the servicemember did not serve satisfactorily in a specific grade or position. Once the Soldier has received the award, the awarding authority must notify the Soldier in writing of their intent and justification for revoking the award. Upon revocation, the affected individual will be informed they may appeal the revocation action through command channels to Commanding General, AHRC. When the original awarding commander is unable to act on the revocation action, the revocation request will be referred to the Commanding General, AHRC for appropriate action.

b. The Army Commendation Medal 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. The Army Commendation Medal may be awarded with the "C" device to recognize exceptionally meritorious service or achievement performed under combat conditions on or after 7 January 2016.

2. Army Regulation 600-8-105 (Personnel - General Military Orders) prescribes the policies and mandated operating tasks for the orders program of the military personnel system. Paragraph 2-21 (Correct movement designator codes (MDC) on orders) individual preparing and publishing permanent change of station (PCS) order or amendments to PCS orders will determine the correct MDC and will verify the MDC before publishing the order.

3. Army Regulation 500-8-104 (Army Military Human Resource Records (AMHRR) Management) governs the composition of the official military personnel file (OMPF) and states that the performance section is used for filing performance, commendatory, and disciplinary data. Once placed in the OMPF, a document becomes a permanent part of that file. The document will not be removed from or moved to another part of the OMPF unless directed by certain agencies, to include this Board. Appendix B states the DA Form 638 and award orders or amendments are filed in either the performance or service folder of the Soldier's OMPF.

//NOTHING FOLLOWS//