

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 December 2024

DOCKET NUMBER: AR20240003515

APPLICANT REQUESTS: correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 2 September 2021, to show award of the Humanitarian Service Medal (HSM).

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum for Record (MFR), subject: Memorandum of Support/[Character Reference]
- MFR, subject: HSM
- 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 she was a part of the Department of Defense (DOD) Coronavirus Operation which started on 31 January 2020. She held the title of Noncommissioned Officer in Charge (NCOIC) of Team Clean and she trained Soldiers to conduct proper cleaning and disinfecting areas for personnel who tested positive for the Corona Virus Disease (COVID)-19. She believes she should have been awarded the HSM prior to her departure from the military.
3. Additionally, she states she was flagged on 13 February 2020 despite still having to conduct training. Her flag was lifted prior to leaving the Army, but due to the award being given during the time that she was flagged, her name was left off the memorandum [authorizing the award] thus not allowing her to be given the award. She trained all the personnel listed on the memorandum authorizing the award. She has a statement from her Operations Noncommissioned Officer stating she was the NCOIC of the operation. Her last Noncommissioned Officer Enlisted Evaluation Report (NCOER) reflects such as well as the hours she performed doing this job.

4. The applicant enlisted in the Regular Army 30 October 2007. She held military occupational specialty (MOS) 74D (Chemical Operations Specialist). She served in Afghanistan from 17 July 2010 to 15 June 2011. The highest rank/grade she achieved was sergeant first class/E-7.

5. During a General Court-Martial, the applicant pled guilty, and she was found guilty of:

a. Charge I, violation of Article 92 (two specifications), dereliction in the performance of her duties in that she willfully failed to close the Citibank Account associated with two junior Soldiers Government Travel Credit Cards as it was her duty to do.

b. Charge II, violation of Article 121a (two specifications), knowingly, and with the intent to defraud, used the credit cards of two junior Soldiers without their authorization, whose authorization was required for such use to obtain money and property of an aggregate value of \$5,282.75 and \$4,923.35 respectively.

c. On 2 March 2021, the court sentenced her to a reprimand and reduction from sergeant first class/E-7 to private first class/E-3.

6. The applicant's DA Form 2-1 (Personnel Qualification Record) is not available for review with this case.

7. The applicant referenced a DA Form 2166-9-2 (NCOER) which was a change of rater NCOER, for the period 26 April 2020 through 16 March 2021. She was rated for duty as the Chemical, Biological, Radiological, and Nuclear Staff NCO for Headquarters and Headquarters Battalion, 1st Cavalry Division, Fort Hood, TX, in MOS 74D. This NCOER confirms she was the "Battalion Ready and Resilient Program Coordinator; COVID-19 Team Clean NCOIC; Adopt a School NCOIC." This NCOER shows in:

a. Part IVc – Character, and IVf – Leads, the rater placed an "X" in "Did Not Meet Standard."

b. Part IVd – Presence, IVe – Intellect, and IVg – Develops, the rater placed an "X" in "Met Standard."

c. Part IVh – Achieves, the rater placed an "X" in "Exceeded Standards."

d. Rater Overall Performance – "Did Not Meet Standard."

f. Part V – Senior Rater Overall Potential, Not Qualified,” with the following bullet comment -

The applicant was derelict in the performance of her duties in that she willfully failed to close the government travel credit card accounts for two junior Soldiers departing the Army; she then knowingly, and with the intent to defraud, used those credit cards without those Soldiers authorization to obtain money and property of an aggregate value greater than \$10,000; potential is limited for continued service

8. On 2 September 2021, she was honorably discharged under the provisions of chapter 4, Army Regulation 635-200, due to completion of required active service, in the rank/pay grade of private first class/E-3. She completed 13 years, 10 months, and 3 days of net active service this period. The DD Form 214 she was issued does not show she was awarded the HSM. Her

9. The applicant provided:

a. An MFR, subject: Memorandum of Support/[Character Reference] from Master Sergeant DLD, Headquarters and Headquarters Battalion, 1st Cavalry Division, Fort Hood, TX, stating he has known and worked with the applicant since March 2018 upon her arrival at the unit. He was the first sergeant for Headquarters and Support Company and later he became her supervisor as the Operation Sergeant for the Battalion S3. She was a critical member of the Battalion S3 and played a vital role in the success of the organization. She consistently placed the unit ahead of herself, most recently as the Team Clean NCOIC in response to the Coronavirus pandemic. Despite the pending actions against her, she continued to be a steadfast Senior NCO that's been dependable regardless of the situation. She was resilient and could easily use her experience to teach younger generation of Soldiers. He wholeheartedly believed that if given the opportunity to continue serving, she would be a value added to any organization.

b. MFR from Headquarters, 1st Cavalry Division Artillery, subject: HSM Approval, dated 26 March 2021, naming individuals authorized the HSM (Permanent), for the COVID-19 Operation from 31 January 2021 through an indetermined date. The applicant's name is not included.

c. The applicant's submissions were provided to the Board in their entirety.

10. The available evidence does not contain any evidence authorizing the applicant the HSM.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon regulatory guidance failing to show that the requested service qualified for the Humanitarian Service Medal, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's military record.

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 600-8-22 prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. The HSM is awarded to members who, after 1 April 1975, distinguished themselves by meritorious direct participation in a DOD approved significant military act or operation of a humanitarian nature. A service member must be on active duty at the time of direct participation, must have directly participated in the humanitarian act or operation within the designated geographical area of operation and within specified time limits, and must provide evidence that substantiates direct participation.
 - a. A HSM - Approved Operations Table shows this award was approved for COVID-19 Operations/Activities from 31 January 2020 to 1 June 2023. Given the global nature of the COVID-19 pandemic, there was no designated area of eligibility; rather, award authorities determine eligibility based on the nature of the member's participation in qualifying DOD COVID-19 operations and activities.
 - b. A medal will not be awarded or presented to any individual whose entire service subsequent to the time of the distinguished act, achievement, or service has not been honorable. The determination of "honorable" will be based on such honest and faithful service according to the standards of conduct, courage, and duty required by law and customs of the service of a member of the grade to whom the standard is applied. Commanders will ensure that—
 - Individuals on whom favorable personnel actions have been suspended neither are recommended for nor receive awards and decorations in accordance with AR 600-8-2, paragraph 3-1e
 - Exceptions to the above are Soldiers who are flagged for overweight or APFT failure when being recommended for an award based on valor, heroism, length of service or retirement awards as stated in AR 600-8-22, paragraph 1-17.
 - Other-than-honorable service subsequent to submission of the recommendation for an award is promptly reported to the awards approving authority with a recommendation for appropriate action
 - c. A waiver of an Army Body Composition Program or Army Combat Fitness Test failure or HQDA-initiated flag may be requested for length of service or retirement

awards. The request must be approved by the first general officer in the Soldier's chain of command with award approval or disapproval authority. Waivers must be processed as separate and distinct actions from the award recommendations and should be submitted and adjudicated prior to submission of the award recommendation. The approved waiver will accompany the award recommendation once submitted.

//NOTHING FOLLOWS//