

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 October 2024

DOCKET NUMBER: AR20240005633

APPLICANT REQUESTS:

- award of the Army Achievement Medal (2nd Award)
- personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Letter
- Memorandum for Record Army Achievement Medal
- Screen Shots of U.S. Army Reserve (USAR)/Army National Guard (ARNG) commercial

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:

a. He is requesting award of the Army Achievement Medal for his participation in a USAR/ARNG nationwide commercial that was filmed in 1989 and shown nationally in 1989 and 1990. He was promised the award, but never received it.

b. There is an injustice being made regarding an award he was promised but was never issued for work/service that goes beyond the scope of a Soldier's routine duties and which that work/service directing benefits the entire Army.

c. In September 1989, he was serving as the S-1 Officer in the rank of first lieutenant and he was a full time GS-5 federal employee. One day at work, he received a telephone call from active duty officer who worked for the Public Affairs Office of the Department of the Army at the Pentagon. The officer was working on producing a

national public commercial for the U.S. Army regarding support for the USAR and the ARNG. The theme of the commercial was to be a high altitude, low opening jump with on Soldier as the actual jumper and several non-jumping Soldiers. The commercial was planned to be filmed in the Southern California area.

d. The original plan was to use civilian actors posing as Soldiers, but when the officer found out their unit was based in the Los Angeles area and that every Soldier was airborne qualified, using the Soldiers would reduce the production costs of the commercial because the Soldiers could work on the commercial during a drill weekend thus not costing the office for manpower.

e. The active duty officer spoke to the applicant's commanding officer and the approval was given for Soldiers in the unit to act in the commercial. When the commercial was filmed, there were seven Soldiers in their unit participating in it. The commercial was filmed over the course of several days. It was subsequently shown nationwide on major U.S. television stations for approximately one year and is still available for viewing on YouTube. He can be spotted at the 14 second mark in the video.

f. The Soldiers were told for their participation in the commercial, the jumper would receive an Army Commendation Medal and the other Soldiers would receive the Army Achievement Medal. He was a member of the unit until he transferred to the USAR Individual Ready Reserve in 1991 in order to focus exclusively on his Officer Professional Development courses.

g. When he left the unit, the medal promised the Soldiers had still not reached the unit (after two years). It was always his intention to follow up on these awards, when he became aware of the fact that they had never been awarded but, due to circumstances beyond his control, he has been unable to do so until now.

h. One of the main reasons for the long delay was his participation in the Global War on Terrorism. For a twelve-year period, he was deployed seven times; two of these deployments were to Iraq and one to Afghanistan. After his last deployment, which was to Afghanistan, he was mandatorily retired in June 2013 in the rank of lieutenant colonel. His readjustment to uninterrupted civilian life has taken over 10 years. Because of this, only now does he had time to work on correcting errors and/or omissions that occurred, during the course of his military career.

i. Not receiving the Army Achievement Medal, which he earned and is entitled to, is one of the errors he is trying to correct. It is also his intention to locate the other Soldiers who were promised medals for their participation in the U.S. Army commercial and assist them in receiving the medals that they were promised but never received. It is his

understanding from talking to former unit members that none of the Soldiers who were in the commercial every received the medal that they were promised.

3. The applicant provides the following documents:

a. A memorandum for record, 1 March 1989, states the applicant has been recommended for the Army Achievement Medal for his participation/role in the production of the USAR/ARNG nationwide commercial by the Public Affairs Office, Department of the Army.

b. Screen shots of the commercial from YouTube.

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

a. Memorandum from U.S. Army Military Personnel Center, 18 April 1986 shows he was appointed as a Reserve commissioned officer of the Army effective 17 August 1985.

b. Army Achievement Medal Certificate, 2 February 1997 shows he was awarded the Army Achievement Medal for meritorious service from 1 September 1995 to 30 September 1996.

c. DD Forms 214 (Certificate of Release or Discharge from Active Duty) show he was awarded on Army Achievement Medal.

d. His service record is void of a DA Form 638 (Recommendation for Award) and award of an Army Achievement Medal prior to the one he received in 1997.

5. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. 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.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The Board was convinced by a preponderance of the evidence, specifically the Army Achievement Medal Memorandum provided by the applicant for his participation/role in the production of a U.S. Army Reserve/National Guard nationwide commercial by the Public Affairs Office on 1 November 1989. The Board concluded the Army Achievement Medal (2nd Award) was awarded to the applicant and will be added to his DD Form 214.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by deleting the Army Achievement Medal from his DD Form 214, for the period ending 15 June 2012 and adding the Army Achievement Medal (2nd Award).

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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 provides policy, criteria, and administrative instructions concerning military awards and decorations. It 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.
3. 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 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.

//NOTHING FOLLOWS//