

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 April 2025

DOCKET NUMBER: AR20240008554

APPLICANT REQUESTS: entitlement to increased retirement pay based on previous award of the Soldier's Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Determination of Entitlement to Increased Retired Pay, 9 April 2024 – the applicant's request for increased retired pay based upon award of the Soldiers Medal on 4 July 2006; unable to locate the entire award recommendation packet
- U.S. Army Human Resources Command (AHRC) letter, 6 May 2024 – reflective of their inability to process the applicant's request for increased retired pay due to the absence of the original award packet (eyewitness statements, narrative etc.)
- DA Form 638 (Recommendation for Award), 31 July 2006 – reflective of approved award of the Soldier's Medal
- Farmington Fire Department letter, 6 July 2006 – reflective of the applicant's participation in saving the lives of two families that were involved in a house fire on 5 July 2006
- Newspaper Article, 9 July 2006 – reflective of the applicant being recognized for his acts of bravery and heroism in saving the lives of 10 people from two burning houses
- Soldier's Medal Citation – reflective of the applicant's valorous actions in the rescue of a family trapped inside of a burning house
- Certificate, Soldier's Medal – reflective of the applicant being recognized for his heroism on 4 July 2006; Permanent Orders Number 254-018, 11 September 2006
- Soldier Talent Profile – reflective of assignment and awards history; authorized Soldiers Medal

FACTS:

1. The applicant states in pertinent part that:

- He was awarded the Soldiers Medal in 2006

- He is unable to locate the original award packet
- May 2024 - AHRC denied his request for additional compensation

2. A review of the applicant's available service records reflects the following:

- 29 October 2002 – the applicant enlisted in the Regular Army
- On 22 August 2004, Orders Number 235-0009 assigned the applicant to the transition center for retirement processing under the provisions of Title 10, USC, section 7314
- 28 February 2025 – retired from military service; DD Form 214 (Certificate of Release or Discharge from Active Duty), item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) shows he was awarded the Soldier's Medal

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the regulatory guidance related to retirement pay for those awarded the Soldiers Medal and the applicant's record showing he was awarded the Soldier's Medal post-service, the Board concluded there was sufficient evidence warranting a review- of the applicant's retirement pay to ensure it reflects an increase for his award of the Soldier's Medal.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:XXX	:XXX	:XXX	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 forwarding the applicant's record to the Defense Finance and Accounting Service (DFAS) to ensure the applicant's retirement pay shows an increase based upon his post-service award of the Soldier's Medal. The exact payment of the applicant will be determined by DFAS.

//SIGNED//

X

CHAIRPERSON

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 (AR) 600-8-22 (Military Awards) paragraph 1-40 (Increased Retired Pay Based on Decorations-Enlisted Awardees) provides that:

a. Title 10, USC, section 7361, Title 10, United States Code provides that any enlisted Servicemember who is credited with extraordinary heroism in line of duty and who retires after 20 or more years of active Federal service is entitled to a 10 percent increase in retired pay, subject to the 75 percent limit of the retired pay base upon which computation of such retired pay is based. Any awardee of the Medal of Honor, the Distinguished Service Cross (DSC), Navy Cross, or Air Force Cross automatically satisfies the requirement for extraordinary heroism. The Secretary of the Army (SECARMY) may credit an enlisted awardee of the Soldiers Medal with extraordinary heroism if the heroism displayed was equivalent to that required for award of the DSC. These provisions affect enlisted personnel who retire and who have been credited with extraordinary heroism whether or not such heroism was displayed while the individual was serving in enlisted status.

b. Enlisted recipients of any of the six decorations above will complete item 14 of DA Form 2339 (Application for Voluntary Retirement) when applying for retirement. If the recipient has not previously done so, written request for determination and confirmation of entitlement to increased retired pay will be forwarded to Commanding General, U.S. Army Human Resources Command (AHRC – PDP – A), 1600 Spearhead Division Avenue, Fort Knox, KY 40122 – 5408. The request will be accompanied by a

copy of the order which awards the decoration and the citation, if not included in the order.

2. Title 10, USC, Section 7361 (Computation of Retired Pay) provides that if a member who is retired under section 7314 of this title has been credited by the SECARMY with extraordinary heroism in the line of duty, the member's retired pay shall be increased by 10 percent of the amount determined under paragraph (1) (but to no more than 75 percent of the retired pay base upon which the computation of such retired pay is based (except in the case of a member who served during the Vietnam Era,¹ as that term is defined in section 12731 of this title)). The Secretary's determination as to extraordinary heroism is conclusive for all purposes.

3. AR 15-185 (ABCMR) paragraph 2-9 states 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//