

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 August 2025

DOCKET NUMBER: AR20240010824

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 12 March 2021, requesting the following:

- reinstatement of the Bronze Star Medal
- removal of his DD Form 215 (Correction to DD Form 214), 18 September 2021
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Letter of Reprimand
- DA Form 2823 (Sworn Statement)
- DA Form 638 (Recommendation of Award)
- Bronze Star Medal Certificate
- Memorandum for Revocation of Bronze Star Medal
- Permanent Order 305-014, 12 January 2021
- DD Form 214
- DD Form 215

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 he was involved in an argument with a Department of Defense (DoD) contractor which resulted in him receiving a letter of reprimand by his Brigade Commander. His Battalion Commander requested that the approved Bronze Star Medal in his service record be revoked. The Bronze Star Medal was revoked, and he was issued an Army Commendation Medal with a DD Form 215 issued to correct his service record.

3. The applicant provides:

a. A letter of reprimand, dated 24 December 2020 shows the applicant was reprimanded for displaying unprofessional conduct towards Ms. DJ and Sergeant First Class (SFC) KA by yelling, using degrading language, and conduct unbecoming of a commissioned officer.

b. A DA Form 2823 from the applicant dated 29 December 2020 wherein he explains he got in an argument with Ms. DJ and SFC KA due to their lack of urgency in getting the only bus available for the battalion in Kuwait properly registered for an upcoming mission. He further noted he did not use derogatory nor demeaning language, although he should not have raised his voice. He was frustrated SFC KA was laughing at him, raising his voice, and making light of the situation. The following day he went back and apologized to Ms. DJ and she informed him that she did not feel he was out of line and she reiterated that when she was questioned. Ms. DJ admitted the applicant was upset; however, she also noted it was warranted.

c. A memorandum, dated 6 January 2020, shows the commander requested the Bronze Star Medal be revoked due to senior leader misconduct by the applicant which took place during the award period.

d. Permanent Order 305-014, dated 12 January 2021 revoked award of the Bronze Star Medal.

e. A DA Form 638 with certificate shows the award period for the Bronze Star Medal as 28 March 2020 through 4 October 2020 with approval through the chain of command, including Brigadier General DMD.

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

a. Having had prior enlisted service in the Army National Guard, he was appointed as a Reserve commissioned officer and executed an oath of office on 22 March 2014.

b. He entered active duty on 28 March 2020.

c. His Officer Record Brief shows he served in the following locations:

- Kuwait for 5 months ending 11 October 2021
- Iraq for 3 months ending 22 August 2020
- Kuwait for 2 months ending 10 July 2018
- Kuwait for 7 months ending 18 May 2018
- Kuwait for 9 months ending 3 March 2013

d. A DA Form 638, dated 1 October 2021 shows the applicant was recommended and approved for the Army Commendation Medal with "C" Device for the award period of 28 March 2020 through 4 January 2021. The award was approved through BG DMD with Permanent Order #20-305-014 dated 31 October 2020.

e. He was honorably released from active duty on 12 March 2021. His DD Form 214 shows he completed 11 months and 15 days of active service with 7 months and 23 days of foreign service. It also shows he was awarded or authorized numerous awards to include the Bronze Star Medal.

f. A DD Form 215 issued on 18 September 2021, removed award of the Bronze Star Medal and added his award of the Army Commendation with "C" Device.

5. By regulation (AR 15-185), an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

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 evidence of record shows the applicant earned the Bronze Star Medal for the period 28 March 2020 through 4 October 2020. The revocation order was issued for an incident that occurred in December 2020, well after the award period. The Board found insufficient evidence that would have supported revoking the medal after it had been properly announced in orders. The Board further found the revocation to be unjust in consideration of the applicant's overall record and determined he should be awarded the Bronze Star Medal for the period shown in the original orders.

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:

| <u>Mbr 1</u> | <u>Mbr 2</u> | <u>Mbr 3</u> |                      |
|--------------|--------------|--------------|----------------------|
| XX           | XX           | XX           | GRANT FULL RELIEF    |
| :            | :            | :            | GRANT PARTIAL RELIEF |
| :            | :            | :            | GRANT FORMAL HEARING |
| :            | :            | :            | DENY APPLICATION     |

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- awarding the Bronze Star Medal for exceptionally meritorious service from 28 March 2020 to 4 October 2020
- adding the Bronze Star Medal to his DD Form 214, for the period ending 12 March 2021
- voiding the DD Form 215, dated 18 September 2021



X //SIGNED//

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. 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 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 begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. 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.

3. Army Regulation 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. The Bronze Star Medal is awarded in time of war for heroism and for meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy, or while engaged in military operations involving conflict with an opposing armed force in which the United States is not a belligerent party. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

4. Army Regulation 635-8 (Separation Processing and Documents) states separation documents must be prepared for Soldiers on retirement, discharge, release from active duty service, or control of the Active Army. The DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

//NOTHING FOLLOWS//