

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 September 2025

DOCKET NUMBER: AR20240012678

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release of Discharge from Active Duty) for the service period ending 31 October 2010 as follows:

- Legion of Merit
- Item 4a. (Grade, Rate or Rank): master sergeant (MSG) to first sergeant (1SG)
- a video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DA Forms 2166-8 (x2), Noncommissioned Office Evaluation Report (NCOER)
- DA Form 638 (Recommendation for Award)
- Legion of Merit Certificate (LOM)

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 is a retired MSG who honorably served as a 1SG during a combat deployment. He is requesting corrections to his DD Form 214 to reflect the highest position he held. He earned two evaluations serving as a 1SG. Additionally, he was awarded the Legion of Merit upon retirement, which is missing from his records. At the time of retirement, the omissions seemed minor, and he now realizes the importance of it to ensure his service record accurately reflects his leadership, accomplishments, and honors. The request is not solely for personal pride, but for benefits and recognition as a Veteran who led troops in combat.
3. The applicant provides:

a. Two NCOERs list the applicant's rank as 1SG in addition to outlining his duties and accomplishments while serving in the position.

b. A DA Form 638 dated 10 September 2010, Permanent Order 287-4, with corresponding certificate shows the applicant was awarded the Legion of Merit for meritorious service from 1 December 2000 to 30 November 2010.

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

a. He enlisted in the Regular Army on 13 October 1989.

b. The Enlisted Record Brief accurately reflects his service as 1SG in his duty assignment at Fort Hood, TX effective 1 January 2007. It does not reflect completing the First Sergeant's Course.

c. He was retired from active duty on 31 October 2010. His DD Form 214 shows he completed 21 years and 11 days of active service with 4 years, 9 months and 20 days of foreign service. It also shows he was awarded or authorized:

- Army Achievement Medal
- Army Commendation Medal
- Army Good Conduct Medal
- Army Service Ribbon
- Armed Forces Expeditionary Medal
- Bronze Star Medal
- Combat Infantryman Badge
- Expert Infantryman Badge
- Global War on Terrorism Service Medal
- Iraq Campaign Medal with Campaign Star
- Korean Defense Service Medal
- Kosovo Campaign Medal
- Meritorious Service Medal
- North Atlantic Treaty Organization Medal (NATO) Medal
- National Defense Service Medal
- Non-Commissioned Officer Professional Development Ribbon
- Overseas Service Ribbon
- Southwest Asia Service Medal

4. A review of the applicant's record confirms he is eligible for an award not recorded on his DD Form 214. The entry will be added to his DD Form 214 as an administrative correction and will not be considered by the Board.

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board found that relief was not 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. Upon review of the applicant's petition and available military records, the Board determined his record is absent of evidence that shows he held and was in a position as a 1SG prior to his release from active duty. The evidence of record shows he held the rank of MSG at the time he was retired from active duty on 31 October 2010. Therefore, the Board determined there was no error or injustice and denied relief.

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.

3. ADMINISTRATIVE NOTE: A review of the applicant's service records shows he is authorized an additional award not annotated on his DD Form 214. As a result, amend his DD Form 214 for the service period ending 31 October 2010, to show the Legion of Merit.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XX	XX	XX	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.

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.

ADMINISTRATIVE NOTE(S):

A review of the applicant's service records shows he is authorized an additional award not annotated on his DD Form 214. As a result, amend his DD Form 214 for the service period ending 31 October 2010, to show the Legion of Merit.

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 635-8 (Separation Processing and Documents), in effect at the time, states 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. For Block 4 (Grade, Rate, or Rank) enter active-duty grade or rank and pay grade at time of separation from ERB/ORB. For Block 18 (Remarks) use this block for HQDA mandatory requirements when a separate block is not available.

//NOTHING FOLLOWS//