

2. The applicant requests award of a Meritorious Unit Commendation and the Silver Star. He notes, in his December 1993 application, that while commanding the 313th Engineer Combat Battalion, 88th Infantry Division in Italy, he was the third member of a reconnaissance team which accomplished an extremely critical and hazardous mission on the night of 15 May 1944. While two of the members were awarded the Silver Star, based on his recommendations, he declined to have a recommendation submitted on his behalf in spite of the desires of the "Division Hqrs" which "determined that [he] also should be awarded this decoration..." He notes in 1955, while assigned at the Pentagon, and after reviewing his field efficiency file, that he had in fact been recommended for award of the Silver Star on 10 January 1945, after his departure from the 313th Engineer Combat Battalion, but the award was disapproved by the division commander on 19 January 1945 because it was "administratively too late." He states he now brings "this matter up only as a matter of principle and because of personal pride." In support of his request he submits copies of the Silver Star recommendation submit by him for one of the other team members, an extract from the May 1991 88th Infantry Division Association publication, and two statements from former unit members, one who recalls the mission was successful "although not familiar with the details" and a second which confirms the applicant's participation in the mission. Neither statement confirms the applicant was ever recommended for award of the Silver Star.

3. Records available to the Board indicate the applicant was commissioned as a second lieutenant and entered active duty in June 1935 following graduation from West Point. He arrived in Italy in November 1943 and was assigned as the 313th Engineer Combat Battalion commander.

4. A battalion history report, for the month of October 1944, notes that two individuals were awarded the Silver Star for their actions "on 15 May 1944 near SPIGNO, Italy, for making a reconnaissance in total darkness of a main road which had been heavily mined by the Germans, removing mines from the mass of rubble...and completing the mission." The applicant provides a copy of an award recommendation, which he initiated on 8 September 1944, and was apparently the basis for award of the Silver Star to one of the individuals referred to in the battalion history report. In the recommendation the applicant also notes his own participation in the mission.

5. On 30 May 1944 the applicant was awarded a Bronze Star Medal for meritorious service "in support of combat operations against the enemy in Italy from 11 May to 28 May 1944."

6. The 313th Engineer Combat Battalion was awarded a Meritorious Unit Commendation for the period 1 September 1944 through 31 December 1944.

7. The applicant departed the 313th Engineer Combat Battalion on 30 October 1944 but remained in the overseas area of operations until June 1945 when he returned to the United States. He continued to serve on active duty until 31 July 1965 when he was retired after 30 years of continuous active Federal service.

8. On 11 June 1965, shortly before his retirement, the applicant submitted a letter to the Army's Adjutant General noting he had studied his "AGO efficiency file in 1955" and believed he "should have been awarded the Silver Star." He attached a "fact sheet" to his inquiry which summarized his participation in the May 1944 mission, that he had ordered his subordinates not to initiate an award recommendation "since it was not fitting for a junior officer to recommend an award to his senior," and that his AGO file contained documents indicating he had been recommended for the award in January 1945 but that it had been disapproved "since it was administratively too late." The applicant stated in his application to this Board that he had never received a response to that inquiry.

9. In 1966 and 1968 the applicant applied to this Board to have his records corrected to reflect disability retirement. Although both applications were denied he did not mention in either application about a previously denied Silver Star award.

10. Army Regulation 600-45, then in effect, stated that the Silver Star is awarded to persons who distinguished themselves by gallantry in action not warranting award of the Medal of Honor or Distinguished Service Cross. It notes that recommendations "may be initiated by any officer" and that no decoration shall be issued to any person after more than three years from the date of the act justifying the award, unless a recommendation was submitted through official channels at the time of the distinguished act or service, or within two years thereafter. In 1950 the time limits for submission of World WWII recommendations was extended to permit submission of recommendation by 3 May 1951 and required that they be acted on by 3 May 1952.

11. Army Regulation 600-8-22, the current regulation governing military decorations, states that no individual is entitled to an award and the decision to award an individual a decoration and the decision as to which award is appropriate are both subjective decisions made by the commander having award approval authority. The Army does not condone self-recognition; therefore, a soldier may not recommend himself/herself for award of a decoration.

CONCLUSIONS:

1. The evidence confirms the applicant was a member of the 313th Engineer Combat Battalion when it was awarded the Meritorious Unit Commendation and as such is entitled to permanent award of the decoration.

2. Based on the documents submitted by the applicant it is apparent that his chain of command, including the awards approval authority, would have been well aware of his participation in an event which lead to the award of the Silver Star to two other participants. In spite of the applicant's insistence that a subordinate not initiate his recommendation, had the awards approval authority truly believed the applicant's actions warranted award of the Silver Star the award would certainly have been made. The Board does note that a Bronze Star Medal for meritorious service during the same period was approved without any difficulty.

3. Other than the applicant's own statement, which he summarized in his 1965 "fact sheet" to the Army's Adjutant General, there is no evidence which supports that he was ever recommended for award of the Silver Star after his departure from the command or that the recommendation was denied because "it was administratively too late."

4. While the applicant maintains he was recommended for award of the Silver Star in January 1945, less than

12 months after the May 1944 action, the time limit to submit an award recommendation was within two years of the event. His contention that the award was disapproved "since it was administratively too late" is inconsistent with regulations governing the time limits for submission of award recommendations, which have remained constant since the initial publication of a regulation governing military awards was published in 1943. Additionally the Board notes the time limits for submission of World War II award recommendations was extended in 1950, while the applicant was still on active duty, to allow for submission of recommendations until 3 May 1951.

5. In order to justify correction of a military record the applicant must show to the satisfaction of the Board, or it must otherwise satisfactorily appear, that the record is in error or unjust. The applicant has failed to submit evidence that would satisfy the aforementioned requirement regarding award of the Silver Star.

6. There is insufficient evidence to confirm the contentions of the applicant that he was, through error or injustice, ever denied award of the Silver Star. Rather, the Board believes the applicant's chain of command likely determined in 1944 that the applicant's actions did not warrant award of the Silver Star and the applicant's pursuit of the award at this time is tantamount to self-recognition.

7. In view of the foregoing, it would be appropriate to correct the applicant's records as recommended below.

RECOMMENDATION:

1. That all of the Department of the Army records related to this case be corrected by showing that the individual concerned is entitled to award of the Meritorious Unit Commendation awarded to the 313th Engineer Combat Battalion for the period 1 September 1944 through 31 December 1944.

2. That so much of the application as is in excess of the foregoing be denied.

BOARD VOTE:

_____ GRANT AS STATED IN RECOMMENDATION

_____ GRANT FORMAL HEARING

_____ DENY APPLICATION

CHAIRPERSON