

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 December 2023

DOCKET NUMBER: AR20230004613

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from the Armed Forces of the United States) to show his service in Korea.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Special Orders Number 163, dated 19 July 1955, issued by Headquarters (Hq), 304th Signal Battalion (Operation), APO 301

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's complete military service record is not available to the Board for review. A request was made of the National Personnel Records Center to obtain his service record, but his complete records were unavailable. His case is being considered using the available evidence.
3. The applicant states his Korean War service was not listed on his DD Form 214. He served in Korea, and he would like to be recognized for his service.
4. The applicant's DD Form 214 shows:
  - He was inducted into the Army of the United States and entered active duty on 6 October 1953
  - He served 10 months and 27 days of foreign and/or sea service
  - He was awarded the National Defense Service Medal
  - He was honorably released from active duty on 19 August 1955 in the rank of private first class
  - He was credited with 1 year, 10 months, and 14 days of active service

5. The applicant provided Special Orders Number 163, dated 19 July 1955, issued by Headquarters, 304th Signal Battalion (Operation), APO 301, showing he was released from the Headquarters and Headquarters Company 304th Signal Battalion on or around 26 July 1955 and reassigned to the Inchon Replacement Depot (South Korea) for separation processing.

**BOARD DISCUSSION:**

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant's records are sparse and limited. The available evidence shows the applicant served on active duty from 6 October 1953 to 19 August 1955. He completed 1 year, 10 months, and 14 days of active service, of which 10 months and 27 days was foreign service. However, the exact location of this foreign service is unknown. There is an order that shows he was released from HHC, 304th Signal Battalion on or around 26 July 1955 and reassigned to the Inchon Replacement Depot (South Korea) for separation processing. However, the exact date of arrival in Korea is unknown. If the applicant has additional documentary evidence that establishes his exact date of arrival and/or unit assignment in Korea, he is advised to resubmit his application to this Board for reconsideration.

BOARD VOTE:

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

[REDACTED]

[REDACTED] [REDACTED]

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[REDACTED]

[REDACTED]

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. Special Regulation 615-360-1 (Separation of Enlisted Personnel), dated June 1953, in effect at the time, established the procedures to be followed in the separation of enlisted personnel from active military service and describe the proper method of execution and disposition of the various forms, records, and reports required. The regulation provided that in item 26 (Foreign and/or Sea Service) of the DD Form 214,

enter total service outside continental limits of the United States during current term of service in years, months, and days. The regulation did not provide for the recording of the country and/or the theater (i.e USARPAC (U.S. Army Pacific)) where the foreign service was performed.

3. Army Regulation 600-8-22 (Military Awards) states the Korea Defense Service Medal is authorized for award to members of the Armed Forces of the United States who have served on active duty in support of the defense of the Republic of Korea. The area of eligibility (1) encompasses all land area of the Republic of Korea and the contiguous water out to 12 nautical miles and (2) all air spaces above the land and water area. The period of eligibility is 28 July 1954 to a date to be determined by the Secretary of Defense. Service members must have been assigned, attached, or mobilized to units operating in the area of eligibility for 30 consecutive or for 60 nonconsecutive days.

//NOTHING FOLLOWS//