

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 December 2023

DOCKET NUMBER: AR20230004699

APPLICANT REQUESTS:

- Correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his successful completion of the following courses: Leadership and Management Development Course (L&MDC), Criminal Investigation Course, and In-Service School in Law Enforcement
- Award of the Army Good Conduct Medal (2nd Award)
- Permission to appear personally before the Board, via video/telephone

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 2496 (Disposition Form)
- Two Certificates of Completion/Attendance
- DD Form 214

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). 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 his DD Form 214 is missing three schools he attended: L&MDC, held from 5 to 9 May 1988; Criminal Investigation Course, conducted from January to August 1988; and the In-Service School in Law Enforcement. Additionally, he believes he is eligible for the Army Good Conduct Medal (2nd Award). In support of this request, he provides the following:

a. DA Form 2496 dated 9 May 1986 and subject: L&MDC. Captain AL__ M. C__, Chief, Equal Opportunity Division states the applicant attended and successfully

completed the L&MDC, conducted at Fort Carson, CO from 5 to 9 May 1986; the applicant earned an "A" in the course.

b. Law Enforcement Officers Training School Certificate of Attendance shows the applicant attended an "In-Service School in Law Enforcement," held from 25 April to 6 May 1988. The Department of Veterans Affairs (VA), in cooperation with the Federal Bureau of Investigation, sponsored the in-service school.

c. The Army Institute for Professional Development Certificate of Completion dated 4 August 1988. The applicant successfully completed the Criminal Investigation Course (Military Occupational Specialties 95B (Military Police), C (Correctional Specialist), and D (Criminal Investigations Special Agent)); the certificate does not list the course's duration, nor does not specify whether the applicant attended the course full-time or completed it via correspondence.

3. A review of the applicant's service record reveals the following:

a. On 10 February 1984, the applicant enlisted into the Regular Army for 3 years. Upon completion of one-station-unit-training and the award of MOS 95B, orders assigned the applicant to Korea, and he arrived at his unit, on or about 25 June 1984.

b. On 21 July 1985, the applicant completed his tour in Korea, and orders reassigned him to Fort Carson; he arrived at his new unit, on 20 August 1985. On 4 December 1986, the applicant immediately reenlisted for 3 years. Headquarters, Fort Carson and 4th Infantry Division (Mechanized) Permanent Orders, dated 12 January 1987, awarded the applicant the Army Good Conduct Medal (1st Award) for the period 10 February 1984 to 9 February 1987.

c. On 3 February 1987, the applicant transferred to Fort McClellan, AL and completed the Military Police Investigation course; orders subsequently reassigned him to military police company in Korea, and he arrived, on or about 5 May 1987.

d. In January 1988, the applicant departed Korea in a patient status and transferred to the Walter Reed Army Medical Center (WRAMC) in Washington, D.C.; his available record does not show the reason for his medical evacuation. Following his release from the hospital, orders reassigned the applicant to WRAMC, and the applicant's DA Form 2-1 (Personnel Qualification Record – Part II) lists the effective date of his reassignment as 8 January 1988.

e. On 24 July 1989, the U.S. Total Army Personnel Command (PERSCOM) approved the applicant's exception to policy request, wherein he had asked for an early release from active duty. On 18 October 1989, orders honorably released the applicant from active duty and transferred him to the U.S. Army Reserve to complete his

remaining military service obligation. His DD Form 214 shows he completed 5 years, 8 months, and 9 days of net active duty service; the form additionally reflects the following:

(1) Item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized):

- Army Service Ribbon
- Overseas Service Ribbon
- Army Achievement Medal
- Army Commendation Medal (4th Award)
- Army Good Conduct Medal (1st Award)
- Four marksmanship qualification badges

(2) Item 14 (Military Education):

- Law Enforcement Course, 16 weeks (1984)
- Military Police Investigation Course, 8 weeks (1987)

4. Army Regulation (AR) 15-185 (ABCMR), currently in effect, states:

a. The ABCMR decides cases on the evidence of record; it is not an investigative body. Additionally, the ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary). The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is accurate.

b. An applicant is not entitled to a hearing before the Board; however, the request for a hearing may be authorized by a panel of the Board or by the Director of ABCMR.

5. Army Regulation (AR) 635-5 (Separation Documents), in effect at the time, prescribed policies and procedures for the completion of the DD Form 214.

a. Regarding military education, the regulation stated, "List formal in-service (full-time attendance) training courses successfully completed during the period of service covered by title, length in weeks, and month and year completed; e.g., medical, dental, electronics, supply, administrative, personnel or heavy equipment."

b. Effective 17 October 2019, the Army issued a major revision to its separation regulation (AR 635-8 (Separation Processing and Documents)); concerning military education, the current guidance states:

- "List all formal, in-service (full-time attendance) training courses successfully completed during the period of service covered by the DD Form 214 of at least 1 week or 40 hours duration"
- "Include course title, length in weeks, and year completed"
- "Acceptable source documents include the enlisted record brief, DA Form 1059 (Service School Academic Evaluation Report), or other military issued certificate of completion with from and through dates or number of weeks"

6. AR 672-5-1 (Military Awards), in effect at the time, stated the Army Good Conduct Medal was awarded for exemplary behavior, efficiency, and fidelity in active federal military service. Any one of the following periods of continuous enlisted active Federal military service qualified the Soldier for this award:

- Each 3-year period completed on or after 27 August 1940
- For the first award only, upon termination of service, on or after 27 June 1950, of less than 3 years but more than 1 year

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board found that a portion of relief was warranted. The Board carefully considered the applicant's request, period of service, supporting documents, evidence in the records and applicable regulatory guidance. The Board reviewed applicable regulatory guidance on the recording of training on a DD214 and agreed that the requested training was not of sufficient length to comply with regulatory guidance.

2. The Board further noted that the applicant was awarded the Army Good Conduct Medal. Applicable regulatory guidance allows for eligible Soldiers to receive the AGCM after the first year of service and thereafter, every three years. As the applicant did not service a sufficient period of time to be eligible for the second award, the Board denied that portion of the request.

3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
■	■	■	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented sufficient to warrant a recommendation for a portion of the requested relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending his DD214 for the period ending 24 July 1989 by:

- adding the following awards in Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized):
 - Korea Defense Service Medal
 - Overseas Service Medal (2nd award)
- deleting the Overseas Service Ribbon
- adding the following to item 18 (Remarks) to
 - Service in Korea: Korea: 19840622-19850721 and 19870427-19880116

2. The Board further determined the evidence presented insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to adding the following:

- Leadership and Management Development Course
- Criminal Investigation Course
- In-Service School in Law Enforcement

[REDACTED]

[REDACTED]

[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.

ADMINISTRATIVE NOTE(S):

1. AR 635-5, in effect at the time, stated the DD Form 214 was to list all authorized awards and decorations.

2. AR 600-8-22 (Military Awards), currently in effect, states:

a. 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 period of eligibility is 28 July 1954 to a date to be determined by the Secretary of Defense; only one award of the KDSM is authorized for any individual.

b. The Overseas Service Ribbon is awarded for successful completion of overseas tours. Numerals are used to denote the second and subsequent awards of the Overseas Service Ribbon.

3. The evidence of record shows the applicant successfully completed two tours in Korea: 19840622-19850721 and 19870427-19880116.

4. Based on the foregoing, amend the applicant's DD Form 214, ending 18 October 1989, by deleting the Overseas Service Ribbon and adding the Korea Defense Service Medal and Overseas Service Ribbon with Numeral "2."

REFERENCES:

1. Title 10, USC, 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. AR 635-5 (Separation Documents), in effect at the time, prescribed policies and procedures for the completion of the DD Form 214.

a. Regarding military education, the regulation stated, "List formal in-service (full-time attendance) training courses successfully completed during the period of service covered by title, length in weeks, and month and year completed; e.g., medical, dental, electronics, supply, administrative, personnel or heavy equipment."

b. Effective 17 October 2019, the Army issued a major revision to its separation regulation (AR 635-8 (Separation Processing and Documents)); concerning military education, the current guidance states, "List all formal, in-service (full-time attendance) training courses successfully completed during the period of service covered by the DD Form 214 of at least 1 week or 40 hours duration." "Include course title, length in weeks, and year completed." "Acceptable source documents include the enlisted record brief, DA Form 1059 (Service School Academic Evaluation Report), or other military issued certificate of completion with from and through dates or number of weeks."

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is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is accurate.

b. An applicant is not entitled to a hearing before the Board; however, the request for a hearing may be authorized by a panel of the Board or by the Director of ABCMR.

//NOTHING FOLLOWS//