

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 November 2023

DOCKET NUMBER: AR20230004721

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 21 February 1992, to add the Korea Defense Service Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Report of Separation from Active Duty), 12 November 1977
- DD Form 214, 21 February 1992
- Department of Veterans Affairs (VA) Form 20-10206 (Freedom of Information Act (FOIA) OR Privacy Act (PA) Request), 26 April 2022
- letter, Department of Veterans Affairs, 12 September 2022

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 full military records are not available for the Boards consideration at this time. However, there is sufficient evidence for the Board to consider the applicant's case based on the evidence provided by the applicant and the few records available to the Board.
3. The applicant states, in effect, his DD Form 214 for the period ending 21 February 1992, does not show his service in Korea nor does it reflect the Korea Defense Service Medal. His DD Form 214 needs to state "Korea" so that he can join the Veterans of Foreign Wars (VFW).
4. After completing previous enlisted service in the Army National Guard, the applicant enlisted in the regular Army on 12 February 1980.

5. He was honorably discharged from active duty on 21 February 1992. His DD Form 214 contains the following entries or information:

- his last overseas assignment was in United States Army Europe
- he completed 12 years and 1 day of net active service during the period covered
- he completed 5 years, 3 months, and 29 days of foreign service during the period
- he was awarded the overseas service ribbon with Numeral 2
- the Korea Defense Service Medal was not listed among his awards
- neither the remarks section nor any other section specifically notes service in Korea

6. 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.

#### 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 Board carefully considered the applicant's contentions, the military record, and regulatory guidance. The Board noted that the applicant's full military records are not available for the Board's consideration. In the absence of sufficient supporting documentation of record or that provided by the applicant, after due consideration of the request, the Board determined the evidence presented did not meet the burden of proof and a recommendation for relief is not warranted.

BOARD VOTE:

Mbr 1    Mbr 2    Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined 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.

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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 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 or meet several criteria including: (1) be engaged in combat during an armed engagement, regardless of the time in the area of eligibility or (2) be wounded or injured in the line of duty and required medical evacuation from the area of eligibility. Due to the extensive time period for KDSM eligibility, the nonconsecutive service period for eligibility remains cumulative throughout the entire period.

//NOTHING FOLLOWS//