

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 February 2024

DOCKET NUMBER: AR20230004823

APPLICANT REQUESTS: award of the National Defense Service Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), for the periods ending 9 November 1987 and 30 January 1998
- Orders 19-11, Headquarters, 91st Division (Training), dated 14 February 1991 (Promotion Orders)
- Orders D-08-368008, dated 17 August 1993 (Discharge Orders)
- Honorable Discharge Certificate from the U.S. Army Reserve), dated 17 August 1993

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 requesting to have his military records corrected to reflect that he was awarded the National Defense Service Medal for his service during the Persian Gulf Crisis.
  - a. During the period of the Persian Gulf crisis, he served honorably in the USAR, with Company D, 3d Battalion, 362d Regiment, 91st Division (Training) and earned achievement awards and the rank of sergeant (SGT)/E-5 before being honorably discharged on 17 August 1993.
  - b. He believes that Presidential Executive Order 12776 should have awarded him the National Defense Service Medal while actively serving or upon separation.
3. The applicant provides:

a. Orders 19-11, issued by Headquarters, 91st Division (Training), dated 14 February 1991 that promoted the applicant to the rank of SGT/E-5.

b. An Honorable Discharge Certificate and Orders D-08-368008, issued by U.S. Army Reserve Personnel Center, effective 17 August 1993, that discharged the applicant from the USAR.

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

a. He enlisted in the Regular Army on 14 August 1985.

b. DA Form 2-1 (Personnel Qualification Record – Part II) is void of any entries indicating the applicant was awarded the National Defense Service Medal or was assigned to any area eligible for the award.

c. On 9 November 1987, he was released from active duty with an honorable characterization of service. He was transferred to the U.S. Army Reserve Control Group (Annual Training). His DD Form 214 shows he completed 2 years, 2 months, and 26 days of active service. It also shows he was awarded:

- Good Conduct Medal
- Army Service Ribbon
- Army Lapel Button
- Sharpshooter Marksmanship Qualification Badge with Pistol Bar (.45 Cal)

5. The applicant provides the following documents:

a. Orders 19-11, Headquarters, 91st Division (Training), dated 14 February 1991 (Promotion Orders), reflective of his promotion to sergeant/E-5 in the U.S. Army Reserve.

b. Orders D-08-368008, dated 17 August 1993 (Discharge Orders) and Honorable Discharge Certificate from the U.S. Army Reserve), reflective of his honorable discharge from the USAR.

c. DD Form 214 for the U.S. Coast Guard for the period 22 September 1997 to 30 January 1998, reflective of his honorable discharged due to parenthood or custody of minor children. He was awarded or authorized:

- CG Pistol Sharpshooter Ribbon
- Army Service Ribbon
- Army Good Conduct

6. By regulation, the National Defense Service Medal is awarded for honorable active service for any period between 27 July 1950 and 27 July 1954, 1 January 1961 and 14 August 1974, 2 August 1990 and 30 November 1995, and 11 September 2001 and a date to be determined. During the period listed in paragraph 2-11b(3) for Persian Gulf, Servicemembers on active duty, members of the Selected Reserve in good standing, and Servicemembers of other than the Selected Reserve who were called to active duty will also be eligible.

7. Also by regulation, 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.

#### 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 served on active duty from 14 August 1985 to 9 November 1987. He was then transferred to the U.S. Army Reserve and ultimately separated from the U.S. Army Reserve on 17 August 1993. By regulation, the NDSM is awarded for honorable active service for any period between 2 August 1990 and 30 November 1995. During this period for Persian Gulf, Servicemembers on active duty, members of the Selected Reserve in good standing, and Servicemembers of other than the Selected Reserve who were called to active duty will also be eligible. The applicant was a member of the Selected Reserve; however, the Board found no evidence he was called to active duty. As such, he does not meet the criteria.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:                :                :                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.

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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 National Defense Service Medal is awarded for honorable active service for any period between 27 July 1950 and 27 July 1954, 1 January 1961 and 14 August 1974, 2 August 1990 and 30 November 1995, and 11 September 2001 and a date to be determined. During the period listed in paragraph 2-11b(3) for Persian Gulf, Servicemembers on active duty, members of the Selected Reserve in good standing, and Servicemembers of other than the Selected Reserve who were called to active duty will also be eligible.

//NOTHING FOLLOWS//