

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 December 2023

DOCKET NUMBER: AR20230005154

APPLICANT REQUESTS: in effect, correction of his DD Form 214, Armed Forces of the United States-Report of Transfer or Discharge to show:

- his wartime/foreign service in the Dominican Republic
- Armed Forces Expeditionary Medal

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

- DD Form 149, Application for Correction of Military Record
- DD Form 214, 30 June 1965

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, in effect, that he completed foreign service in the Dominican Republic from 29 April 1965 to 5 June 1965 while assigned to Company A, 82nd Signal Battalion. He made his last combat Airborne jump on 31 May 1965. His Armed Forces Expeditionary Medal is not listed on his DD Form 214.
3. A review of his record shows the applicant enlisted in the Regular Army on 28 June 1962.
4. Neither his DA Form 24 (Service Record) nor his DA Form 20 (Enlisted Qualification Record) show any foreign service.
5. The applicant's record contains a DA Form 1307, Individual Jump Record, which shows the applicant completed an administrative or non-tactical jump on 30 May 1965 in the Dominican Republic.

6. On 28 June 1962, he was released from active duty. His DD Form 214 does not show the completion of any foreign service.
7. The applicable regulation, in effect at the time, had no requirement to list the location of foreign service on the DD Form 214. However, the Remarks Section of the DD Form 214 was often used to record this foreign service (location and tour length).
8. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

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 applicant's contentions, the military record, and regulatory guidance. Evidence of record reveals one supporting document, specifically a DA Form 1307 "Individual Jump Record " which denotes a single jump in the Dominican Republic on 30 March 1965. Further review of the available supporting documentation did not reveal any additional supporting evidence. After due consideration of the request, in the absence of sufficient supporting documentation, the Board determined the burden of proof had not been met and a recommendation for relief was 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 Army Board for Correction of Military Records (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 (AR) 635-5, Personnel Separations-Separation Documents, in effect at the time, did not have a provision to list the location of foreign service on the DD Form 214. However, the Remarks Section of the DD Form 214 was often used to record foreign service (location and tour length).
3. AR 635-8, Separation Processing and Documents, 17 September 2019, states for all active duty Soldier to list in block 18, any/all Outside the Continental United States (OCONUS) deployments completed during the period of the DD Form 214. Include the statement, "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates)."
4. Army Regulation 600-8-22, Military Awards, states:
 - a. The Armed Forces Expeditionary Medal is awarded for qualifying service after 1 July 1958 in U.S. military operations, U.S. operations in direct support of the United Nations, and U.S. operations of assistance for friendly foreign nations. Servicemembers must be bona fide members of a unit participating in or be engaged in the direct support of the operation for 30 consecutive days in the area of operations (or for the full period when an operation is less than 30 days duration) or for 60 nonconsecutive days provided this support involved entering the area of operations. Qualifying service for this award includes participation in the Dominican Republic during the period 28 April 1965 to 21 September 1966.
 - b. Area of operation is defined as the foreign territory upon which troops have actually landed or are present and specifically deployed for the direct support of the designated military operation; adjacent water areas in which ships are operating, patrolling, or providing direct support of operations; and the airspace above and adjacent to the area in which operations are being conducted. "Direct support" is defined as services being supplied to participating forces in the area of eligibility by ground units, ships, and aircraft provided it involves actually entering the designated area of eligibility. This includes units, ships, and aircraft providing logistic, patrol, guard, reconnaissance, or other military support within the designated area of eligibility. "Area of eligibility" is defined as the foreign territory on which troops have actually landed or are present and specifically deployed for the operation; adjacent water areas in which ships are operating, patrolling, or providing direct support of the operation; and the air space above and adjacent to the area in which operations are being conducted.

5. AR 15-185, Army Board for Correction of Military Records, prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//