

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 September 2024

DOCKET NUMBER: AR20230005644

APPLICANT REQUESTS: an upgrade of his Meritorious Service Medal (MSM) to the Bronze Star Medal and correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to add the:

- Armed Forces Expeditionary Medal (AFEM)
- Combat Infantryman Badge (CIB)
- Korea Defense Service Medal (KDSM)

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

- DD Form 149 (Application for Correction of Military Record)
- Orders 181-39 Headquarters, XV III Airborne Corps, Fort Bragg, NC
- DA Form 2166-7 (Noncommissioned Officer (NCO) Evaluation Report)
- Two Congressional Correspondence (Requests)
- Letter, National Personnel Records Center (NPRC)
- News Article, subject: El Salvador Awards, Unknown Source
- Army Review Boards Agency (ARBA) Acknowledgement of Congressional Correspondence

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 retired and has not kept up with updates for his El Salvador service.
3. The applicant provided three DD Forms 1610 (Request and Authorization for Temporary Duty (TDY) Travel of Department of Defense (DOD) Personnel) belonging to other individuals with attached lists containing the applicant's name. These documents contain personal identifiable information belonging to other service members. Therefore, we cannot use this information in the Record of Proceedings without their written

permission. This information will not be included in the supporting documents file, nor discussed in the Record of Proceedings.

4. The Board will not consider the applicant's request for an upgrade of his Meritorious Service Medal (MSM) to the Bronze Star Medal. Based on a review of the application, the evidence of record, and supporting documents the applicant provided; there is no evidence he was recommended for awarded the Bronze Star Medal. Additionally, there is no evidence the applicant exhausted his available administrative remedies through the Title 10, U.S. Code, section 1130 process.

a. Army Regulation 600-8-22 (Military Awards) prescribes Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards. Paragraph 1-14 of this regulation states, except for award recommendations submitted in accordance with the provisions of Section 1130, Title 10, United States Code (10 USC 1130), which is outlined below, each recommendation for an award of a military decoration must be entered administratively into military channels within 2 years of the act, achievement, or service to be honored, with the exception of the Medal of Honor, Distinguished Service Cross, and Distinguished Service Medal. An award recommendation will be considered to have been submitted into military channels when it has been signed by the initiating officer and endorsed by a higher official in the chain of command. However, pursuant to 10 USC 1130, a Member of Congress can request consideration of a proposal for the award or presentation of decoration (or the upgrading of a decoration), either for an individual or unit, that is not otherwise authorized to be presented or awarded due to limitations established by law or policy. Based upon such review, the Secretary of the Army will make a determination as to the merit of approving the award or presentation of the decoration and other determinations necessary to comply with congressional reporting requirements under 10 USC 1130.

b. 10 USC 1130 allows the Service Secretary concerned to review a proposal for the award of, or upgrading of, a decoration that is otherwise precluded from consideration by limitations established by law or policy. In order to request an award under Title 10 USC 1130, you must submit a DA Form 638 (Recommendation for Award), a copy of which is enclosed.

c. The DA Form 638 should clearly identify your father's unit, the period of assignment, and the award being recommended. A narrative of the actions or period for which you are requesting recognition must accompany the DA Form 638. In addition, the award request should be supported by sworn affidavits, eyewitness statements, certificates and related documents. Corroborating evidence is best provided by commanders, leaders, and fellow Soldiers who had personal (i.e., eyewitness) knowledge of the circumstances and events relative to the request.

d. 10 USC 1130 also requires that a request of this nature be referred to the Service Secretary from a Member of Congress. Therefore, you must submit your request through a Member of Congress who will send it to the United States Army Human Resources Command, ATTN: AHRC-PDP-A, 1600 Spearhead Division Avenue, Fort Knox, KY 40122. The burden and costs for researching and assembling documentation to support approval of requested awards and decorations rest with the requestor.

5. The Board will also not discuss the Armed Forces Expeditionary Medal since the applicant meets the criteria for this award base on his service in El Salvador. This award will be administratively corrected without a decision by the Board.

6. The applicant enlisted in the regular Army on or around 29 October 1972 and served through a series of reenlistments and/or extensions. The period covered by his last DD Form 214 began on 19 December 1978.

7. Orders 181-39 Headquarters, XVIII Airborne Corps, Fort Bragg, NC, assigned the applicant to the Operation and Planning, Army Training Team, El Salvador with a reporting date of 9 October 1989.

8. His DA Form 2-1 (Personnel Qualification Record – Part II) contains the following information:

a. Blocks 5 (Overseas Service) and 35 (Record of Assignments) show he performed overseas service at/in:

- Ryukyus Islands/Okinawa, Japan from 15 April 1984 to 21 June 1988
- El Salvador from 9 October 1989 to 8 October 1990
- Additionally, he was assigned to the United States Military Advisory Group “USMG” San Salvador El Salvador, he held MOS 18Z50 [special forces], and his principal duty was operations sergeant.

b. Block 9 (Awards, Decorations and Campaigns) shows he was authorized/awarded the -

- Basic Parachutist Badge
- Senior Parachutist Badge
- Master Parachutist Badge
- Thai Parachutist Badge with Red Cord
- Army Achievement Medal (3rd Award)
- Air Assault Badge
- Army Commendation Medal (2nd Award)
- Meritorious Service Medal (2nd Award)

- Ranger Tab
- Overseas Service Ribbon (2nd Award)
- Noncommissioned Officer Professional Development Ribbon (Numeral 3)
- National Defense Service Medal with service star
- Army Service Ribbon
- Army Good Conduct Medal (6th Award)
- Joint Meritorious Unit Award
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)

c. Block 17 (Civilian and Military Schools) shows, in addition to other courses completed, the applicant also successfully completed the following courses:

- Light Weapons Infantry - 8 weeks, 1973
- Light Weapons Infantry - 16 Weeks, 1973
- Korean Language - 16 Weeks, 1975
- Korean Language - 4 Weeks, 1985

9. His DA Form 2166-7, covering the period July 1990 through October 1990 shows he was evaluated as a "Master Sergeant," in primary military occupational specialty (MOS) 18Z5VF1 with the principal duties of Operations, Intelligence, Training Advisor NCO. This report covers a 4-month period and was rendered as a change of rater evaluation when in El Salvador. He was rated among the best and his overall performance and overall potential were rated as "1."

10. The applicant was retired for length of service on 31 July 1993. His DD Form 214 does not show the AFEM, CIB, or KDSM as authorized awards. He completed 14 years, 7 months, and 12 days of net active service this period and 6 years, 1 month, and 24 days of total prior service. His DD Form 214 shows, in block 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) the:

- Meritorious Service Medal with 1 bronze Oak Leaf Cluster
- Army Commendation Medal
- Army Achievement Medal with 2 bronze Oak Leaf Clusters
- Good Conduct Medal (6th Award)
- Army Service Ribbon
- National Defense Service Medal with 1 bronze service star
- Overseas Service Ribbon with Numeral 2
- Noncommissioned Officer Professional Development Ribbon with Numeral 3
- Parachutist Badge - Master
- Thai Parachute Badge with Red Cord
- Air Assault Badge
- Ranger Tab

- Joint Meritorious Unit Award

11. The available evidence shows the applicant completed two Korean language courses, however, there is no evidence showing he was assigned, attached, or mobilized with units operating in Korea.

12. The applicant provides:

- Two Congressional Correspondence (Requests) dated 12 September 2019, include the applicant's request for his Congressional Representative's assistance in obtaining his decorations and awards.
- A Letter, from the NPRC, dated 30 October 2019, shows the awards the applicant was authorize were shipped. This includes all the awards listed on his DD Form 214; however, the following award not listed on his DD Form 214 - Expert Marksmanship Qualification Badge with Rifle Bar, Parachutist Badge – Senior, and Parachutist Badge - Basic
- An undated news article, of unknown source, subject: El Salvador Awards, acknowledges Soldiers who received various awards. The applicant's name is not among those listed.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Korea Defense Service Medal: The applicant's service record does not show or contain evidence of service in Korea, while 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 being engaged in combat during an armed engagement or was wounded or injured in the line of duty and required medical evacuation from the area of eligibility. However, the Board believed since the applicant was a Special Forces Soldier with a Korean Language Identifier, and since he was stationed in Okinawa, it is very likely that he spent time in Korea, which would qualify him for the Korea Defense Service Medal.

b. Combat Infantryman Badge: Grant. The Combat Infantryman Badge is awarded to infantry of special forces persons who have an infantry or special forces MOS for service in El Salvador during the period from 9 October 1989 to 8 October 1990. They must have served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or smaller size. The applicant held a special forces MOS and was assigned to the U.S. Military Advisory Group in El Salvador. The Board did not find documentary evidence of at least one encounter where the applicant actively

participated in ground combat while assigned to that during such time as the unit is engaged in active ground combat. However, the Board determined since he was a Special Forces Soldier, deployed to a low intensity location (El Salvador), it is reasonable to believe he was involved in action with the enemy in El Salvador, and as such meets the criteria for the Combat Infantryman Badge.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

In addition to the correction addressed in Administrative Note(s) below, the Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- Awarding the applicant the Combat Infantryman Badge (El Salvador) 8 October 1990
- Adding the Combat Infantryman Badge and Korea Defense Service Medal to his DD Form 214

	9/9/2024
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CHAIRPERSON	
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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.

ADMINISTRATIVE NOTE(S): A review of the applicant's record shows his DD Form 214 for the period ending 31 July 1993 is missing the below listed awards; therefore, block 13 of his DD Form 214 will be administratively corrected to add the:

- Expert Marksmanship Qualification Badge Rifle (M-16)
- Armed Forces Expeditionary Medal (El Salvador)

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 15-185 (ABCMR), the regulation under which this Board operates, states in paragraph 2-5, Section II, the Board will not consider any application if it determines the member has not exhausted all administrative remedies available to him/her.

3. Army Regulation 600-8-22 (Military Awards) prescribes Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The AFEM is authorized for qualifying service after 1 July 1958 in military operations within specific geographic areas during specified time periods. Eligibility for this award includes service in El Salvador from 1 January 1981 to 1 February 1992.

b. The CIB is awarded to infantry of special forces officers and to enlisted and warrant officer persons who have an infantry or special forces military occupational specialty (MOS) for service in El Salvador during the period 1 January 1981 to 1 February 1991. They must have served in active ground combat while assigned or attached to an infantry unit of brigade, regimental or smaller size. (Note: Prior to the 11 January 2007 regulation revision, MILPER Message Number 98-095 implemented the CIB policy for service in El Salvador. This message gave additional requirements for award of the CIB (i.e., special provisions for El Salvador required the Soldier to have been a member of the U.S. Military Group-El Salvador assigned as an advisor to a military region or zone of armed forces of El Salvador (ESAF), or while serving with an infantry unit or specialized infantry-type or irregular-type combat unit of brigade or smaller of ESAF, and required that the Soldier must have been personally present and

under hostile fire while assigned as specified above. These special provisions were not carried over into the revised regulation. The Infantry proponent apparently concurred with the revision of the regulation; therefore, these special provisions need not be addressed in a case any longer.)

c. The KDSM 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.

//NOTHING FOLLOWS//