

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 October 2023

DOCKET NUMBER: AR20230006762

APPLICANT REQUESTS:

- an award for participation in Operation Uphold Democracy in Haiti
- promotion to the rank of specialist (SPC)/E-4

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

DD Form 149 (Application for Correction of Military Record).

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 should have received "an additional medal," and should have been discharged the rank of E-4. He should have been promoted prior to his discharge and he served in Haiti for Operation Uphold Democracy. According to his DD Form 214 (Certificate of Release or Discharge from Active Duty), he was promoted to private first class (PFC)/E-3 on 1 December 1995. He believes the Army typically promotes about every 6 months and he spent approximately 1.5 years as an E-3; therefore, he should have been promoted to E-4 well before his discharge. He was also deployed to Haiti during his enlistment period as part of Operation Uphold Democracy and he should have received a medal if one was awarded for that operation. He did receive the National Defense Service Medal and if that was the only award for the operation, no correction is necessary. The delay in discovery for the errors is due to his incarceration and his inability to access resources.
3. A review of the applicant's service record shows:
  - a. He enlisted in the Regular Army on 7 March 1995.

b. His DA Form 2-1 lists his awards as the National Defense Service Medal and the Army Service Ribbon; however, it did not identify foreign service served. It also shows for his promotions, the following:

- private (PVT)/E-1 – 7 March 1995
- private (PV2)/E-2 – 7 September 1995
- PFC/E-3 – 1 December 1995

c. He was awarded the Army Achievement Medal, Permanent Order #047-30, for meritorious achievement as a gunner in support of the United Nations Mission in Haiti for the period of 20 October 1995 through 3 March 1996.

d. Orders 092-0007, dated 2 April 1997, released the applicant from active duty with an effective date of 26 June 1997.

e. He was honorably released from active duty on 26 June 1997 at the rank of PFC/E-3. His DD Form 214 shows he completed 2 years, 3 months, and 20 days of active service with no lost time. It also shows he was awarded or authorized:

- Army Lapel Button
- National Defense Service Medal
- Army Service Ribbon

f. Orders D-01-300968, dated 14 January 2003, honorably released the applicant from the U.S. Army Reserve with an effective date of 14 January 2003.

4. On 6 September 2023, the Chief, Enlisted Promotions Branch, rendered an advisory opinion in the processing of this case. He opined:

a. In accordance with (IAW) Army Regulation (AR) 600-8-19, dated 1 November 1991, the regulation in effect at the time of the request, paragraph 2-5 c. (2), for advancement to Specialist (SPC), there is a 26-month time in service (TIS) requirement, and a 6-month time in grade (TIG) requirement.

b. Based on the DD Form 214 that was provided, block 12 c. indicates that the [applicant] had 2 years, 3 months, 20 days TIS as of his separation date. He does not meet the 26-month TIS requirements for advancement to SPC.

5. On 10 September 2023, the Chief, Awards and Decorations Branch, rendered an advisory opinion in the processing of this case. He opined the Armed Forces Expeditionary Medal is authorized for deployment to the Republic of Haiti in support of Operation Uphold Democracy for the period of 16 September 1994 to 31 March 1995; as [the applicant's] entry date is 7 March 1995; it is unlikely he met the requirement.

According to the applicant's DD Form 214, he was issued the National Defense Service Medal for his service during this period.

6. A review of the applicant's service record confirms administrative entries were omitted from his DD Form 214. The entries will be added to his DD Form 214 as administrative corrections and will not be considered by the Board. The Board will consider his aforementioned request.

7. By regulation (AR 635-5), 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. The Military Personnel Records Jacket, US Army (MPRJ), Official Military Personnel Files (OMPF), DA Forms 2 and 2-1 (Personnel Qualification Record) are the basic source documents.

#### BOARD DISCUSSION:

1. 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 considered the applicant's request for correction to his record to show promotion to the rank of specialist (SPC)/E-4. In accordance with applicable regulatory guidance, advancement to Specialist (SPC) required a 26-month time in service and a 6-month time in grade. As the applicant's DD214 does not reflect the minimum period of time in grade, the Board agreed that the rank he held at discharge was not in error or unjust.

2. After further review, the Board agreed the applicant was eligible for and should be awarded the Armed Forces Expeditionary Medal.

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 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 amending his DD214 for the period ending 26 June 1997 to show:

- Armed Forces Expeditionary Medal

2. The Board further determined the evidence presented is 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 any other relief not stated above.



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 records shows administrative entries were not listed on his DD Form 214 for the period ending 26 June 1997. As a result, amend his DD Form 214 to show:

- Army Achievement Medal
- Block 12f (Foreign Service) – add 4 months and 13 days (0000 04 13)
- Block 18 (Remarks) – “Service in Haiti from 19951020 to 19960303”

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 635-5 (Separation Documents), in effect at the time, states 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. In The Military Personnel Records Jacket, US Army (MPRJ), Official Military Personnel Files (OMPF), DA Forms 2 and 2-1 (Personnel Qualification Record) are the basic source documents.
3. Army Regulation 600-8-19 (Enlisted Promotions and Reductions) in effect at the time, prescribes policies and procedures governing promotion and reduction of Army enlisted personnel. Paragraph 2-5c. states eligibility for advancement to specialist (SPC) includes a 26-month time in service (12-month TIS may be waived) and a 6-month time in grade (3-month TIMIG may be waived) requirement. PFCs with 18 months TIMIG may be advanced even if there are no waiver allocations available. If allocations are available, such advancements must count against the allocations.
4. Army Regulation 600-8-22 (Military Awards) in effect at the time, prescribes Army policy, criteria, and administrative instructions concerning individual military awards. 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. Qualifying service for this award includes participation in Operation Uphold Democracy in Haiti during the period 16 September 1994 through 31 March 1995.

//NOTHING FOLLOWS//