

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 February 2024

DOCKET NUMBER: AR20230007458

APPLICANT REQUESTS: award of the Armed Forces Expeditionary Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 638 (Recommendation for Award)
- Campaigns & Expeditions that Qualify for Veterans Preference
- DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 4 September 1996

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 that he is requesting to be awarded the Armed Forces Expeditionary Medal for his service in Panama and participation in Operation Just Cause.

3. The applicant provides:

a. A DA Form 638, dated 7 February 1990, that shows the applicant was recommended for an award for his service. The list of achievements include:

(1) Operation Just Cause; Performed duties as assistant gunner and rifleman in very professional manner.

(2) Mortar Sues (Nov 88); Rated as best section in battalion.

(3) Deployed on all field exercises during tour including BN ARTEP, Market Square, Solid Shield, and Gallant Eagle.

(4) Mortar Gunner's Examination (1989); scored expert.

b. A printout titled "Campaigns & Expeditions that Qualify for Veterans Preference" that shows "Panama (Operation Just Cause) – [Inclusive Dates] 12/20/1989 to 1/31/1990."

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

a. The applicant enlisted in the Regular Army on 19 October 1988

b. He was assigned to Company C, 3rd Battalion, 504th Parachute Infantry Regiment, 82d Airborne Division at Fort Bragg, North Carolina from 23 March 1989 to 24 April 1990.

c. On 26 February 1990, a recommendation for an award was approved for the applicant. He was awarded the Army Achievement Medal in Orders Number 90-11, from Headquarters, 1st Brigade, 82d Airborne Division. The achievements listed on the recommendation included:

(1) Operation Just Cause; Performed duties as asst. gunner and rifleman in very professional manner.

(2) Mortar Sues (Nov 88); Rated as best section in battalion.

(3) Deployed on all field exercises during tour including BN ARTEP, Market Square, Solid Shield, and Gallant Eagle.

(4) Mortar Gunner's Examination (1989); scored expert.

d. He was discharged from active duty on 4 September 1996. His DD Form 214 shows he completed 7 years, 10 months, and 16 days of active service. Item 13 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) shows:

- Army Achievement Medal (2nd Award)
- Army Good Conduct Medal (2nd Award)
- National Defense Service Medal
- Noncommissioned Officer's Professional Development Ribbon
- Army Service Ribbon
- Overseas Service Ribbon
- Expert Marksmanship Qualification Badge (Grenade, Mortar)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar
- Marksman Marksmanship Qualification Badge with Pistol Bar

- Combat Infantryman Badge
- Parachutist Badge

5. By regulation, the Armed Forces Expeditionary Medal is authorized for qualifying service after 1 July 1958 in military operations within specific geographic areas during specified time periods. An individual, who was not engaged in actual combat or equally hazardous activity, must have been a bona fide member of a unit participating in, or be engaged in the direct support of, the operation for 30 consecutive or 60 nonconsecutive days provided this support involved entering the area of operations. Panama-Operation JUST CAUSE is listed among the designated military operations for the period 20 December 1989 to 31 January 1990.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. One potential outcome was to deny relief based on insufficient evidence the applicant engaged in hostile actions with the enemy. However, upon further review of the applicant's petition and available military records, the Board agreed the applicant served 30 consecutive days in the area of operation, and his unit was listed on the center of military history as receiving campaign participation credit with award of the Armed Forces Expeditionary Medal (AFEM). Based on this, the Board granted relief to award the AFEM.

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 is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending his DD Form 214 for the period ending 4 September 1996 to show award of the Armed Forces Expeditionary Medal.



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 Armed Forces Expeditionary Medal is authorized for qualifying service after 1 July 1958 in military operations within specific geographic areas during specified time periods. An individual, who was not engaged in actual combat or equally hazardous activity, must have been a bona fide member of a unit participating in, or be engaged in the direct support of, the operation for 30 consecutive or 60 nonconsecutive days provided this support involved entering the area of operations. Table 2-3 (Armed Forces Expeditionary Medal) outlines the designated military operations, area, and dates lists Panama-Operation JUST CAUSE from 20 December 1989 to 31 January 1990.

(a) Be engaged indirect support of the operation for 30 consecutive days or 60 nonconsecutive days, provided this support involves entering the area of operations. The qualifying criteria for non-unit direct support personnel in Grenada is 6 consecutive days or 12 non-consecutive days.

(b) Be recommended, or attached to a unit recommended, by the chief of a service or the commander of unified or specified command for award of the medal, although the criteria above have not been fulfilled. Such recommendations may be made to the Joint Chiefs of Staff (JCS) for duty of such value to the operation as to warrant particular recognition.

3. Army Regulation 600-8-22 (Military Awards) defines "area of operation" 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.

//NOTHING FOLLOWS//