

IN THE CASE OF: ██████████

BOARD DATE: 15 February 2024

DOCKET NUMBER: AR20230007470

APPLICANT REQUESTS: proof of being sent from Korea to Vietnam for Agent Orange exposure.

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 293 (Application for the Review Correction of Discharge from the Armed Forces of the United States)
- DD Form 214 (Report of Separation from Active Duty)

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 is requesting proof that while stationed in Korea he was sent to Vietnam where he was exposed to Agent Orange.
3. The applicant provides a copy of his DD Form 214 which shows in box 27 (Remarks) his last overseas service in Korea.
4. A review of the applicant's service record shows:
 - a. He enlisted in the Regular Army on 11 August 1970 and reenlisted on 30 March 1973 for Korea.
 - b. DA Form 20 (Enlisted Qualification Record) block 38 (Record of Assignments) shows he was enroute to Korea on 9 April 1973, and assigned to his unit on 24 May 1973.
 - c. There is no evidence in the applicant's service record to support his claim that he was assigned or served in Vietnam where he could have been exposed to Agent Orange.

d. The applicant was discharged on 25 July 1975, under the provisions of AR 635-200, Chapter 13, paragraph 13-5b, with a general under honorable conditions characterization of service with separation code JMD (Unsuitability). He served 4 years, 11 months, and 15 days of net service this period.

5. His DD Form 214 shows he was awarded or authorized:

- National Defense Service Medal
- Armed Forces Expeditionary Medal (Korea)
- Expert M16 Rifle

6. By regulation (AR 635-5 (Separation Documents), in effect at the time, prescribed the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214.

7. 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 and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the assignment history reflected on the applicant's DA Form 20 failing to show service in Vietnam, as well as any other documentation within the applicant's record showing service in Vietnam, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's military record.

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.

5/14/2024

X

CHAIRPERSON

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 635-5, in effect at the time, prescribed the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214.

//NOTHING FOLLOWS//