

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 November 2024

DOCKET NUMBER: AR20230007695

APPLICANT REQUESTS:

- Korea Defense Service Medal
- a video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 31 August 1995

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 may be eligible to take command of his local Veterans of Foreign Wars of the U.S. He served in South Korea on two separate occasions for Operation Team Spirit. During his first deployment to Korea, on or about March to April 1984, he was assigned to Camp Page, Chuncheon, for a total of 28 days. For his second deployment to Korea, on or about March to April 1986, he was assigned to Camp Humphreys, Pyeongtaek, for a total of 32 days.
3. A review of the applicant's service record shows:
  - a. He enlisted in the Regular Army on 13 February 1979.
  - b. DA Form 2166-6 (Enlisted Evaluation Report), for the rated period of February 1986 through April 1986, shows while the applicant was stationed in Schofield Barracks, Hawaii, he deployed to Korea in support of Operation Team Spirit.

c. His DD Form 214 shows he was honorably retired from active duty on 31 August 1995. He completed 16 years, 8 months, 24 days of active service with additional service from 7 December 1978 to 12 February 1979 and 6 years, 3 months, and 2 days of foreign service.

4. By regulation, the Korea Defense Service Medal 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 period of eligibility is 28 July 1954 to a date to be determined by the Secretary of Defense.

#### 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 review based on law, policy, and regulation. Upon review of the applicant's petition and available military records, the Board determined there was sufficient evidence, including his service from for approximately 60 days in Korea. Based on this, the Board granted relief to correct the applicant's record to reflect award of the Korea Defense Service Medal.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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 partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 31 August 1995 by adding the Korea Defense Service Medal to his DD Form 214

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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 (Armed Forces), 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), prescribes Department of the Army (DA) policy, criteria, and administrative instructions concerning individual and unit military awards. The Korea Defense Service Medal, was authorized by Section 543, National Defense Authorization Act, 2003, PL 107–314. It is authorized for award to Servicemembers 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 (AOE), period of eligibility and criteria are as follows:

a. All land area of the Republic of Korea, and the contiguous water out to 12 nautical miles, and all airspaces above the land and water areas.

b. Period of eligibility is 28 July 1954 to a date to be determined by the SECDEF.

c. Servicemembers must have been assigned, attached, or mobilized to units operating in the AOE for 30 consecutive or for 60 nonconsecutive days, or meet the following criteria:

(1) Be engaged in combat during an armed engagement, regardless of the time in the AOE.

(2) Wounded or injured in the line of duty and requires medical evacuation from the AOE.

(3) While participating as a regularly assigned air crewmember flying sorties into, out of, within, or over the AOE in direct support of military operations. Each day that one or more sorties are flown in accordance with these criteria will count as 1 day toward the 30 or 60-day requirement.

(4) Personnel who serve in operations and exercises conducted in the AOE are considered eligible for the award if the basic time criteria is met. Due to the extensive time period for KDSM eligibility, the nonconsecutive service period for eligibility remains cumulative throughout the entire period.

3. Army Regulation 15-185 (Army Board for Correction of Military Records), currently in effect, 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 applicant has the burden of proving an error or injustice by a preponderance of the evidence. The ABCMR may, in its discretion, hold a hearing (sometimes referred to as an evidentiary hearing or an administrative hearing) or request additional evidence or opinions. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//