

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 February 2024

DOCKET NUMBER: AR20230008162

APPLICANT REQUESTS: in effect, award of the Korea Defense Service Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- Orders 094-021, Headquarters (HQ), 90th U.S. Army Reserve Command, 5 February 1988
- Orders 094-022, HQ, 90th U.S. Army Reserve Command, 5 February 1988
- Annex A to Letter Order Number 094-021/094-022, 961st Supply & Service Company (DS), 5 February 1988
- DA Form 2349 (Military Pay Voucher)
- DA Form 2-1 (Personnel Qualification Record), page 1
- Letter, U.S. Army Human Resources Command (AHRC), Military Awards Branch, 14 December 2005

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, in effect, he submitted a request for award of the KDSM, but AHRC disapproved the request because item 5 (Overseas Service) of his DA Form 2-1 shows he was in Korea from 25 March to 10 April 1988. He claims the correct dates should be listed as 25 March to 23 April 1988. To be awarded the KDSM, the dates need to be corrected to show he served in Korea for 30 consecutive days.
3. Having prior service in the U.S. Marine Corps, the applicant enlisted in the Army National Guard of the United States on 1 August 1973 and subsequently continued his service in the U.S. Army Reserve.

4. Orders 094-021, HQ, 90th U.S. Army Reserve Command, 5 February 1988, shows Annex A (main body personnel) were ordered to Annual Training at Taegu, Korea from 25 March to 10 April 1988.
5. Orders 094-022, HQ, 90th U.S. Army Reserve Command, 5 February 1988, shows Annex A (main body personnel) were ordered to Annual Training at Taegu, Korea from 7 April to 23 April 1988.
6. Annex A to Letter Order Number 094-021/094-022, Headquarters, 90th U.S. Army Reserve Command, 5 February 1988, lists the applicant name for Annual Training from 25 March thru 23 April 1988 at the Camp Humphries, Korea training site.
7. An enhanced hand-copied Military Pay Voucher for the applicant for the period 25 March to 23 April 1988, appears to show a payment of \$1,733.13 on 18 March 1988.
8. Section 1 (Identification Data) of his DA Form 2-1 shows in item 5, that he completed annual training at Taegu, Korea from 25 March to 10 April 1988.
9. Upon reaching the maximum length of service, the applicant was reassigned to the Retired Reserve on 31 May 1999.
10. On 14 December 2005, the Chief, Military Awards Branch, AHRC, responded to the applicant's request to be awarded the KDSM. A review of the available documentation did not provide sufficient evidence that he met the minimum 30 consecutive or 60 non-consecutive days of required service in the Republic of Korea. The chief noted the orders he provided indicated that he was in Korea from 25 March to 12 April 1988 and his DA Form 2-1 indicated service in Korea from 25 March to 10 April 1988, less than the required 30 consecutive days. In addition, the military pay voucher included with the applicant's request indicated a pay period of 25 March to 23 April 1988; however, the voucher did not provide evidence that he was in Korea during the period.
11. The Defense Finance and Accounting Service were able to provide a copy of the applicant's 1-31 March 1988, Jumps-Army Leave and Earnings Statement (LES) which contains the entry, "TNG PD 880325-880423." His 1-30 April 1988, LES does not contain an entry for drill performance and his 1-31 May 1988, LES contains an entry for unit training on 21 and 22 May 1988.
12. 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 period of eligibility is 28 July 1954 to a date to be determined by the Secretary of Defense. In part, 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.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant was a Reservist who went to Korea during annual training. Annex A to Letter Order Number 094-021/094-022, HQ, 90th U.S. Army Reserve Command, 5 February 1988, lists the applicant name for Annual Training from 25 March thru 23 April 1988 at the Camp Humphries, Korea. However, this order does not prove he was in country for 30 days. Additionally, an enhanced hand-copied Military Pay Voucher for the applicant for the period 25 March to 23 April 1988, appears to show a payment on 18 March 1988; however, the voucher did not provide evidence that he was in Korea during the period. Additionally, Section 1 (Identification Data) of his DA Form 2-1 shows in item 5, that he completed annual training at Taegu, Korea from 25 March to 10 April 1988. The Board was not satisfied that the 30-day requirement is met and that more evidence is needed to prove he was in Korea for 30 or more days. The Board determined the available evidence does not qualify him for this award.

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.

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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, 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 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.
3. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. Paragraph 2-9 contains guidance on the burden of proof. It states, in pertinent part, that the ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//