

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 March 2024

DOCKET NUMBER: AR20230008231

APPLICANT REQUESTS: In effect, that his enlisted service in Hawaiian Islands in 1951 be added to his 1953 (commissioned service) DD Form 214 (Report of Separation from the Armed Forces of the United States)

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (1953)

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 prior to its statehood, he served in Hawaiian Islands in 1951 during the Korean War Era, and received overseas pay. He is submitting his 1953 Officers DD Form 214 but does not have a copy of his 1952 enlisted DD Form 214.
3. With prior U.S. Naval Academy Cadet Training (6 months), the applicant enlisted in the Regular Army on 10 March 1951.
4. The applicant's Service Record for the period from March 1951 through 13 August 1952 shows:
 - a. He served with the 27th Company, 20th Battalion, 319th Army Unit in Hawaii from 7 April 1951 to 1 August 1951.
 - b. The highest enlisted grade he held was E-4.
 - c. He did not receive any awards or decorations for this period of service.
 - d. He had 4 months and 2 days of Foreign and/or Sea Service

5. The applicant was separated from the service under Army Regulation 615-365 for the convenience of the government (Demobilization).

e. His conduct and efficiency is shown as excellent and that he was favorably considered for the Army Good Conduct Medal.

6. Headquarters, Hawaiian Infantry Training Center Special Orders Number 52, dated 19 May 1951, awarded the applicant the Expert Qualification Badge with Rifle Bar.

7. The applicant was released from active duty in the grade of E-4 on 1 August 1952 for the convenience of the government. The DD Form 214 issued for this period of service shows:

- an honorable characterization of service
- 1 year, 5 months and 4 days of creditable service
- 4 months and 2 days of foreign and/or sea service
- no awards or decorations

8. There is no indication that he was awarded the Army Good Conduct Medal; however, the applicant's record contains no derogatory entries, disciplinary actions, nonjudicial punishments, or court-martials that would suggest he was considered not eligible for award of the Army Good Conduct Medal.

9. The applicant was commissioned to second lieutenant on 14 August 1952.

10. The available record does not include a Service Record for his period of service from 14 August 1952 through 15 October 1953.

11. The applicant was released from active duty on 15 October 1953 and transferred to the U. S. Army Reserve as a second lieutenant. The DD Form 214 issued at this time shows:

- an honorable characterization of service
- 1 year, 2 months, and 2 days of creditable service this period
- 1 year, 5 months, and 4 days of prior active service
- no awards or decorations

12. During the period of the above periods of service a DD Form 214 was issued for each period of service and with the exception of an entry for prior service, did not carry forward items such as awards and decorations or foreign/sea service.

13. Neither of his two DD Forms 214 show award of the National Defense Service Medal.

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. Upon review of the applicant's petition and available military records, the Board determined there is sufficient evidence to support amending the applicant's DD Form 214 to include his foreign service credit for his time in the Hawaiian Islands in 1951. The Board noted during deliberation the applicant's service record did not reflect he was awarded the Army Good Conduct Medal (1st Award) and his record shows he received "excellent" conduct and efficiency ratings throughout his service for the period of 10 March 1951 to 1 August 1952. Based on the evidence within the record, the Board granted relief to amend his DD Form 214 adding his foreign service credit and awarding him the Army Good Conduct Medal.

2. 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:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

In addition to the administrative notes annotated by the Analyst of Record (below the signature), 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 the applicant's DD Form 214 for the period ending 15 October 1953 to show

- Item 27(Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) Army Good Conduct Medal (1st Award) for exemplary service from 10 March 1951 to 15 October 1953 and adding the medal to his DD Form 214 for the period ending 15 October 1953
- Item 38 (Remarks) Service in Hawaiian Islands (Korean War Era) from 7 April 1951 to 1 August 1951


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.

ADMINISTRATIVE NOTE(S):

A review of the applicant's record shows his DD Form 214, for the period ending 1 August 1952 is missing entries that do not require Board action. As a result, amend the DD Form 214 by adding the following entry to item 27 (Decoration, Medals, Badges, Citations, and Campaign Ribbons):

- National Defense Service Medal
- Expert Qualification Badge with Rifle Bar.

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 15–185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the Army Board for Correction of Military Records (ABCMR). It states that 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 will decide cases based on the evidence of record. It is not an investigative body.
3. Army Regulation 672-5-1 (Awards), in effect at the time, stated :
 - a. The Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940, for the first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year. The enlisted person must have had all "excellent" conduct and efficiency ratings. There must have been no convictions by a court-martial.
 - b. The National Defense Service Medal is authorized for all active duty and Selected Reserve United States military personnel, regardless of length of service, with no requirement for overseas or combat service, for service during the Korean War Era 27 June 1950 to 27 July 1954.

//NOTHING FOLLOWS//