

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 March 2024

DOCKET NUMBER: AR20230008418

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his deployment in support of:

- Operation Just Cause (Panama) from 20 December 1989 to 31 January 1990
- the post-invasion of Panama from 1 February 1990 to 13 June 1990
- the Los Angeles riots on 29 April 1992

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- VA Form 21-4138 (Department of Veterans Affairs Statement in Support of Claim)
- list of deployments
- 13 photographs

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 was in the 7th Infantry Division from 3 October 1989 to 10 January 1993. He was in the post invasion of Panama and the Los Angeles riots. He would like this added because it is what he went through, and he wants documentation of the sacrifices he made.
3. The applicant enlisted in the Regular Army on 3 October 1989.
4. The applicant's personnel file is void of records showing his assignments while on active duty.
5. The applicant was honorably released from active duty on 8 January 1993. His DD Form 214 shows:

- his last duty assignment as Company A, 5th Battalion, 21st Infantry, Fort Ord, CA
- the Army Service Ribbon, National Defense Service Medal, and Army Good Conduct Medal
- no time credited for foreign service

6. The applicant immediately enlisted in the California Army National Guard on 9 January 1993. He was honorably discharged on 19 July 1997.

7. The applicant did not provide orders or other official records demonstrating he was deployed to Panama or provided support for the Los Angeles riots nor does his military service record document such service.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.

2. The Board found insufficient evidence in the available service records to confirm the applicant’s claim to have been deployed in support of Operation Just Cause or related operations or the Los Angeles riots. In the absence of evidence confirming his claim, the Board determined the requested relief should be denied.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
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:	:	:	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.

7/24/2024

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 (AR) 635-5 (Personnel Separations - Separation Documents) prescribes the separation documents that must be prepared for soldiers on retirement, discharge, release from active duty service, or control of the Active Army. It establishes standardized policy for preparing and distributing the DD Form 214 (Certificate of Release or Discharge from Active Duty). It provides the following instruction for Block 18 (Remarks): For a Reserve soldier ordered to active duty and deployed to a foreign country, enter the following three statements in succession. (However, for an active duty soldier deployed with his or her unit during their continuous period of active service, enter only the second statement.)

a. "ORDERED TO ACTIVE DUTY IN SUPPORT OF (OPERATION NAME) PER 10 USC (applicable section)."

b. "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates for example, YYYYMMDD YYYYMMDD)."

3. AR 600-8-22 (Personnel - General Military Awards) prescribes Department of the Army (DA) policy, criteria, and administrative instructions concerning individual and unit military awards. It states the Armed Forces Expeditionary Medal was awarded to

service members who served in Panama during Operation Just Cause from
20 December 1989 to 31 January 1990.

//NOTHING FOLLOWS//