

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 April 2024

DOCKET NUMBER: AR20230009613

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from Active Duty) to show his service in Panama to attend a Jungle Warfare Training Course.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Jungle Operations Training Center Certificate

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). 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 Canal Zone of Panama to attend jungle warfare training, and his DD Form 214 does not reflect his foreign service; his presence there exposed him to many health hazards and noxious chemicals. In support of his request, the applicant provides his DD Form 214 and a certificate, dated 17 September 1976, which reflects his successful completion of Jungle Warfare Training. The certificate does not include the course duration.
3. A review of the applicant's service record reveals the following:
 - a. On 18 February 1975, the applicant enlisted into the Regular Army for 4 years. Upon completion of initial and airborne training and the award of military occupational specialty 12B (Combat Engineer), orders assigned the applicant to an engineer company at Fort Bragg, NC (now renamed Fort Liberty). He arrived at his new unit, on 3 July 1975.
 - b. The applicant's service record includes his Jungle Warfare Certificate, but the date of completion is truncated. On 14 March 1978, a physical evaluation board (PEB)

determined the applicant was unfit for continued military service and recommended separation with severance pay and a combined 10 percent disability rating. On 10 April 1978, the applicant concurred with the PEB's findings and recommendations.

c. On 25 April 1978, the U.S. Army Military Personnel Center (MILPERCEN) directed the applicant's separation with severance pay and a 10 percent disability rating. On 8 May 1978, the Army honorably discharged the applicant, due to his physical disability. His DD Form 214 shows he completed 3 years, 2 months, and 21 days of his 4-year enlistment contract. In addition, the forms reflects the following:

(1) Item 18 (f) (Record of Service – Foreign and/or Sea Service) – no service outside the continental United States.

(2) Item 26 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) – Parachutist Badge.

(3) Item 27 (Remarks) – No in-service training courses are included.

d. The applicant's service record is void of any derogatory information; in addition, there is no documentation indicating his commander disqualified him for the Army Good Conduct Medal. His DA Form 2-1 (Personnel Qualification Record – Part II) additionally shows the following:

- Item 5 (Overseas Service) – no entries for overseas service
- Item 17 (Civilian Education and Military Schools) – Jungle Warfare Training is not listed
- Item 18 (Appointments and Reductions) – the applicant's leadership progressively promoted him to sergeant (SGT)/E-5; there are no reductions in rank/grade

4. Army Regulation (AR) 15-185 (ABCMR), currently in effect, states:

a. The ABCMR decides cases on the evidence of record; it is not an investigative body. Additionally, the ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).

b. The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was partially warranted. The applicant’s contentions, the military record, and regulatory guidance were carefully considered.

a. The applicant’s certificate for the Jungle Warfare Training Course does not list the duration of this course or date of completion. Additionally, the regulation governing the DD Form 214 does not require an entry for combat courses.

b. The Board considered the applicant’s eligibility for award of the Army Good Conduct Medal, although the applicant did not ask for it. The applicant served on active duty from 18 February 1975 to 8 May 1978, attaining the rank/grade of SGT/E-5 and completing 3 years, 2 months, and 21 days of continuous active service. There is no derogatory information on file to disqualify him from receiving the first award of the Army Good Conduct Medal. The Board determined he meets the criteria 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:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected, in addition to the corrections addressed in Administrative Note(s) below, by:

- awarding him the Army Good Conduct Medal (1st Award) for service during the period 18 February 1975 through 17 February 1978
- adding award of the Army Good Conduct Medal (1st Award) to his DD Form 214

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to the Jungle Warfare Training Course.



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, USC, 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. AR 635-5 (Separation Documents), in effect at the time, stated:

a. Apart from providing instructions for entries on Vietnam or Korea service, the regulation offered no specific guidance with regard to overseas service in the remarks section.

b. The regulation required DD Form 214 preparers to list all in-service training courses completed by the Soldier during the period of the report. The regulation added, "This information is to assist the member after separation in job placement and counseling; therefore, course for combat skills will not be listed."

3. AR 672-5-1 (Military Awards), in effect at the time, stated the Army Good Conduct Medal was awarded for exemplary behavior, efficiency, and fidelity in active federal military service.

a. Any one of the following periods of continuous enlisted active Federal military service qualified the Soldier for this award:

- Each 3-year period 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

b. The Soldier's immediate commander had to evaluate the Soldier's character as above reproach. Additionally, The record of service had to show that the Soldier had willingly complied with the demands of the military environment, had been loyal and obedient to his superiors, had faithfully supported the goals of his organization and the Army, and had conducted himself in such an exemplary manner as to distinguish him from his fellow Soldiers.

c. While not automatically disqualifying, the Soldier's commander had to take into account any record of nonjudicial punishment under Article 15, Uniform Code of Military Justice; further, a court-martial conviction served to terminate the Soldier's period of qualifying service. In terms of job performance, the commander had to find that the Soldier's efficiency met requirements.

d. In cases where the commander determined the Soldier was not qualified, he/she had to prepare a statement of rationale and refer the statement to the Soldier for comment; after considering the Soldier's response, and in those cases where the commander decided not to change his/her determination, the document was then forwarded for inclusion in the Soldiers service record.

//NOTHING FOLLOWS//