

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 April 2024

DOCKET NUMBER: AR20230009854

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 17 June 1995 as follows:

- Item 8a (Last Duty Assignment and Major Command) to reflect 3rd Battalion, 67th Armor, 1st Tiger Brigade, 2nd Armored Division vice Company A 1st Battalion, 8th Cavalry Regiment Forces Command (FC).
- Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) to show he was entitled and awarded the: Korea Defense Service Medal (KDSM) and Navy Unit Commendation (NUC) Ribbon,

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Orders for the NUC, various units, 14 August 1990 to 16 April 1991, 1st Marine Expeditionary Force

FACTS:

1. The applicant did not file within the three-year time frame provided in Title 10, United States Code, section 1552(b); however, the 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 requests that KDSM be added to his records since the award was established after he was honorably discharged. To also add the NUC, as his unit was attached to the 2nd Marine Division at the time the award became effective. In addition, he requests his last duty assignment be amended to reflect the 3rd Battalion, 67th Armor, 1st Tiger Brigade, 2nd Armored Division, the unit, which was awarded the NUC during his period of service.

3. The service record reflects the following documents:

- a. On 6 July 1987, the applicant enlisted in the Regular Army.

b. His DA Form 2-1 (Enlisted Qualification Record) shows in item 5 (Oversea Service):

- From 10 October 1990 to 17 April 1991: Asia Pacific, Middle East and Africa - Saudi Arabia
- From 21 April 1993 to 20 April 1994: Far East Pacific Area - Korea

c. DD Form 398-2 (Department of Defense Personnel Security Questionnaire) reflects the applicant was assigned to the 3rd Battalion, 67th Armor, 1st Tiger Brigade, 2nd Armored Division from August 1990 to April 1993; the period the NUC was awarded.

d. The applicant's DA Form 2166-7 for the rating period August 1994 through June 1995 shows he was assigned to Company A, 1st Battalion, 8th Cavalry, 1st Cavalry Division, Fort Hood, TX.

e. DD Form 214 (Certificate or Release or Discharge from Active Duty) shows he was honorably discharged on 17 June 1995. He completed 7 years, 11 months, and 12 days of net active service this period. It also reflects the following:

- Item 8a: Company A 1st Battalion, 8th Cavalry Regiment FC (Forces Command)
- Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized): the KDSM and the NUC is not listed

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. Korea Defense Service Medal: Grant. The applicant served in Korea from 21 April 1993 to 20 April 1994. He meets the criteria for this award.

b. Navy Unit Commendation: Deny. The applicant served in Southwest Asia from 10 October 1990 to 17 April 1991. He was assigned to 3rd Battalion, 67th Armor. The Navy Commendation Unit order does not list this unit as a recipient of this award.

c. Last Unit of Assignment: Deny. The applicant's DA Form 2166-7 for the rating period August 1994 through June 1995 shows he was assigned to Company A, 1st Battalion, 8th Cavalry, 1st Cavalry Division, Fort Hood, TX. He was separated on 17

June 1995. His DD Form 214 correctly listed his last unit of assignment as Company A 1st Battalion, 8th Cavalry Regiment FC (Forces Command). There is no error or injustice.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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 by amending his DD Form 214 to add the Korea Defense Service Medal.

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 adding the Navy Unit Commendation or changing his Last Unit of Assignment.



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, United States 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 Army Board for Correction of Military Records (ABCMR) determines it would be in the interest of justice to do so.
2. Army Regulation 635-5 (Separation Documents), in effect then, and Army Regulation 635-8 (Separation Processing and Documents), currently in effect, prescribes policy and procedural guidance relating to transition management. The DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of REFRAD, retirement, or dis-charge. The instructions for:
 - a. Block 8a: Last Duty Assignment and Army Command. Enter last unit of assignment and Army command with the corresponding two-character assignment code (found in the Integrated Total Army Personnel Data base/electronic military personnel office systems)
 - b. Block 13: Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized. List all federally recognized awards and decorations for all periods of service. Do not use abbreviations.
3. Army Regulation 600-8-22, Military Awards, the Korea Defense Service Medal is awarded to award to service-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 AOE and period of eligibility are as follows. The Area of Eligibility (AOE) encompasses 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. The period of eligibility is 28 July 1954 to a date to be determined by the Secretary of Defense. 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
4. Secretary of the Navy instruction 1650.1H (Navy and Marine Corps Awards Manual) Awarded by SECNAV to any unit of the Navy or Marine Corps that has distinguished itself by outstanding heroism in action against the enemy, but not sufficient to justify the award of the Presidential Unit Citation; or to any such unit that has distinguished itself by extremely meritorious service, not involving combat, but in support of military operations, rendering the unit outstanding compared to other units performing similar service. This award may also be conferred upon units of the other branches of the U.S. Armed Forces, and of armed forces of friendly foreign nations serving with the U.S.

Armed Forces, provided such units meet the standards established for Navy and Marine Corps units.

//NOTHING FOLLOWS//