

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 May 2024

DOCKET NUMBER: AR20230010435

APPLICANT REQUESTS: correction of the deceased service member's (SM) records to be awarded the:

- Overseas Service Ribbon
- National Defense Service Medal
- Korea Defense Service Medal

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

- DD Form 149 (Application for Correction of Military Record)
- National Personnel Records Center (NPRC) Letter, 18 May 2023
- Certification of Military Service issued by NPRC, 18 May 2023
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), for the period ending 19 September 1956
- DD Form 217A (Certificate of Service)
- Honorable Discharge Certificate

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 SM's records contain sufficient evidence to support an additional award not annotated on his DD Form 214 and will be listed in the administrative notes section below. The Board will consider the applicant's request for award of the Overseas Service Ribbon and Korea Defense Service Medal.
3. The applicant, the daughter of the SM, states these decorations should have been awarded based on the SM's service overseas in Korea during the time assigned to the 24th Infantry Division with duty along the 38th Parallel in Korea.

4. The SM's military records are not available to the Board for review. A fire destroyed approximately 18 million service members' records at the NPRC in 1973. It is believed his records were lost or destroyed in that fire. However, there were sufficient documents remaining in a reconstructed record to conduct a fair and impartial review of this case. This case is being considered using reconstructed records, which consist of a DD Form 214.

5. The SM was inducted into the Army of the United States on 6 October 1954.

6. His DD Form 214 shows he was honorably transferred to the U.S. Army Reserve (USAR) on 19 September 1956. He completed 1 year, 11 months, and 14 days of active service, including 1 year and 11 days of foreign and/or sea service (Country Unknown). His last duty assignment was with a unit serviced by Army Post Office 20, which was located in Korea during his period of service.

7. The applicant provides:

a. A letter from NPRC, dated 18 May 2023, enclosing a separation document (DD Form 214) from an alternate records source.

b. A Certification of Military Service issued by NPRC, dated 18 May 2023, which shows the SM was a member of the Army of the United States from 6 October 1954 to 19 September 1956 and was honorably released from active duty in the rank/grade of private first class/E-3.

c. A DD Form 217A, which certifies the SM honorably served on active duty in the Army of the United States from 6 October 1954 to 19 September 1956.

d. An Honorable Discharge Certificate, which shows the SM was honorably discharged from the Army of the United States on 9 November 1962.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found partial relief is warranted.

2. The Board found the evidence confirms the SM met the criteria for the Korea Defense Service Medal. The Board determined this medal should be added to his DD Form 214.

3. The SM left military service many years before the creation and implementation of the Overseas Service Ribbon, and eligibility for the Overseas Service Ribbon was not

retroactive. The Board determined the SM is not authorized the Overseas Service Ribbon.

4. The Board concurred with the correction described in Administrative Note(s) below.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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| : | : | : | 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 adding the Korea Defense Service Medal to his DD Form 214 and by making the correction described in Administrative Note(s) below.

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 Overseas Service Ribbon.

9/24/2024

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.

ADMINISTRATIVE NOTE:

A review of the SM's records show he is authorized an additional award not reflected on his DD Form 214. As a result, amend his DD Form 214, for the period ending 19 September 1956, by adding the National Defense Service Medal.

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) prescribes the policy, criteria, and procedures for individual and unit military awards and foreign decorations and badges.

a. The Overseas Service Ribbon is awarded to Soldiers for successful completion of overseas tours. Effective 1 August 1981, all Soldiers of the Regular Army, Army National Guard, and USAR in an Active Reserve status are eligible for this award. The ribbon may be awarded retroactively to those personnel who were credited with successful completion of an overseas tour before 1 August 1981, provided they had a Regular Army status on or after 1 August 1981.

b. The Korea Defense Service Medal 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.

//NOTHING FOLLOWS//