

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 May 2024

DOCKET NUMBER: AR20230010456

APPLICANT REQUESTS: correction of his DD Forms 214 (Certificate of Release or Discharge from Active Duty) to show:

- for the service period ending 11 May 1989 - 4 years, 1 month, and 19 days of foreign service
- for the service period ending 31 August 2000 –
 - 4 years, 11 months, and 29 days of foreign service
 - Joint Meritorious Unit Award (3rd Award)

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Statement
- DA Form 2-1 (Personnel Qualification Record)
- Two DD Forms 214, for the periods ending 11 May 1989 and 31 August 2000
- Officer Record Brief (ORB)
- Joint Service Achievement Medal (JSAM), 11 April 1996
- Two Defense Meritorious Service Medals (DMSM), 15 November 1997 and 26 March 1999
- Certificate of Achievement
- Three DA Forms 1613 (Records Cross Reference), 19 August 2010, 30 September 1998, and 7 January 2000
- Three DA Forms 67-8/67-9 (U.S. Army Officer Evaluation Report (OER)), 16 November 1996, 30 September 1997, and 7 January 1999
- Legion of Merit (LOM), 31 August 2000
- DD Form 215 (Correction to DD Form 214)
- General Order Number (GO) 9, 18 November 2005 (54 pages)
- General Order Number 25, 8 June 2001 (69 pages)

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 is requesting the amount of foreign service time on his enlisted DD Form 214 be corrected to reflect 4 years, 1 month, and 19 days. He would also like the foreign service time on his officer DD Form 214 to be corrected to show 4 years, 11 months, and 29 days. He references his overseas service on the ORB, dated 30 August 2000. The applicant further noted in his self-authored statement:

a. Pursuant to GO 25, dated 8 June 2001, the JMUA was awarded to Defense Intelligence Agency (DIA) from 1 October 1996 to 15 September 1997. A Soldier may wear the JMUA permanently (with Oak Leaf Cluster (OLC)) if the individual was assigned to and present for duty with the unit any during the period cited or if the individual was attached by competent orders to and present for duty with the unit during the entire period or for at least 30 consecutive days of the period cited. He was assigned and/or attached to DIA from 2 February 1996 to 7 January 1999 with two 179-day temporary duty (TDY) assignments to Bosnia between December 1996 and December 1997. He believes a second award of the JMUA is authorized.

b. Pursuant to GO 9, dated 18 November 2005, the JMUA was awarded to DIA from 1 April 1999 to 1 April 2002. A Soldier may wear the JMUA permanently (with Oak Leaf Cluster (OLC)) if the individual was assigned to and present for duty with the unit any during the period cited or if the individual was attached by competent orders to and present for duty with the unit during the entire period or for at least 30 consecutive days of the period cited. He was assigned and/or attached to DIA from 8 January 1999 to 30 August 2000 and a third award for the JMUA should be awarded.

3. The applicant provides:

a. The below listed documents to be referenced in the service record:

- DA Form 2-1
- DD Form 214 effective 11 May 1989
- ORB
- DD Form 214 effective 31 August 2000

b. Awards received by the applicant for his service for the following periods:

- JSAM dated 11 April 1996 – for meritorious service from 1 October 1995 to 31 January 1996
- DMSM dated 15 November 1997 – for exceptionally meritorious service from 20 December 1996 to 9 December 1997
- Certificate of Achievement – for meritorious service from 20 December to 9 December 1997 [sic] while deployed on Operation Joint Guard in Bosnia
- DMSM dated 26 March 1999 – for exceptionally meritorious service from February 1996 to January 1999
- LOM dated 31 August 2000 – for exceptionally meritorious service from 1 September 1990 to 31 August 2000

c. The applicant's evaluations and/or record of his evaluation for the following periods:

- DA Form 1613, 19 August 2010 – OER for the period of 26 June 1995 to 31 January 1996, hardcopy located with the National Archives Records Administration (NARA) – Vaulted Records section
- DA Form 67-8-1, 16 November 1996 – assigned to Defense Management Coordination Activity from 1 February 1996 to 16 November 1996
- DA Form 67-8, 30 September 1997 – assigned to Field Operating Base, Heidelberg, Germany from 17 December 1996 to 30 September 1997
- DA Form 1613, 30 September 1998 – OER for the period of 1 October 1997 to 30 September 1998, hardcopy with NARA – Vaulted Records section
- DA Form 67-9, 7 January 1999 – assigned to Field Operating Base, Heidelberg, Germany from 1 October 1998 to 7 January 1999
- DA Form 1613, 7 January 2000 – OER for the period of 8 January 1999 to 7 January 2000, hardcopy with NARA – Vaulted Records section

d. A DD Form 215 issued 24 September 2012 shows the DD Form 214 for the service period ending 31 August 2000 was corrected to add the Legion of Merit and the Korea Defense Service Medal.

e. GO 9, dated 18 November 2005 (54 pages) awarded DIA the JMUA for service from 1 April 1999 to 1 April 2002. A Soldier may wear the JMUA permanently (with Oak Leaf Cluster) if the individual was assigned to and present for duty with the unit any time during the period cited, or if the individual was attached by competent orders to and present for duty with the unit during the entire period or for at least 30 consecutive days of the period cited.

f. GO 25, dated 8 June 2001 (69 pages) awarded DIA the JMUA for service from 1 October 1996 to 15 September 1997. A Soldier may wear the JMUA permanently (with Oak Leaf Cluster) if the individual was assigned to and present for duty with the unit any time during the period cited, or if the individual was attached by competent

orders to and present for duty with the unit during the entire period or for at least 30 consecutive days of the period cited.

4. A review of the applicant's service record shows:

a. He enlisted in the Regular Army on 4 June 1980.

b. His DA Form 2-1 lists the below dates for the applicant's service in Korea, for a grand total of 4 years and 22 days:

- 9 October 1981 to 23 September 1983 (1 year, 11 months, and 15 days)
- 30 November 1986 to 29 November 1988 (2 years)
- 30 November 1988 to 5 January 1989 (1 month and 7 days)

c. He was honorably discharged from active duty on 11 May 1989. His DD Form 214 shows he completed 8 years, 11 months, and 7 days of active service. Block 12f (Foreign Service) lists 2 years. He was assigned separation code KGL and the narrative reason for separation listed as "Ordered to Active-Duty Guard/Reserve Tour as a Warrant Officer." It also shows he was awarded or authorized:

- Army Service Ribbon
- Army Good Conduct Medal (2)
- Army Achievement Medal (5)
- Noncommissioned Officer (NCO) Professional Development Ribbon (2)
- Overseas Service Ribbon
- Meritorious Service Medal

d. He was appointed as a Reserve warrant officer and executed an oath of office on 12 May 1989.

e. His ORB shows the applicant was awarded two JMUA's. It also lists the following foreign service locations for a grand total of 4 years, 10 months, and 19 days of foreign service following his appointment:

- Korea (enlisted) – returned September 1983
- Korea (enlisted) – returned January 1989
- Germany – 20 July 1990 to 1 July 1992 (1 year, 11 months, and 12 days)
- Germany – 2 February 1996 to 8 January 1999 (2 years, 11 months, and 7 days)

f. The ORB also shows the applicant's duty assignments:

- 20 July 1990 – 165th Military Intelligence Battalion, Darmstadt, Germany

- 7 July 1992 – U.S. Army Field Intelligence Agency Detachment, Los Angeles, California (CA)
- 2 February 1996 – U.S. Army Element Operating Base, Stuttgart, Germany
- 1 February 1999 – U.S. Army Element Operating Base, Los Angeles, CA

g. He was retired from active duty on 31 August 2000. His DD Form 214 shows he completed 11 years, 3 months, and 19 days of active service with 8 years, 11 months, and 8 days of prior active service. Block 12f (Foreign Service) lists 4 years, 11 months, and 17 days. It also shows he was awarded or authorized one JMUA among his many service awards.

4. By regulation, (AR 635-5) 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 release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. Item 12f (Foreign Service) will show the total amount of foreign service performed during the period covered by block 12c (Net Active Service This Period).

5. By law, the Joint Meritorious Unit Award was authorized by the Secretary of Defense on 10 June 1981. It is awarded to recognize joint units and activities for meritorious achievement or service superior to that which is normally expected. Qualifying achievements must be superior to that which is expected under conditions of combat with an armed enemy of the United States, a declared national emergency situation, or extraordinary circumstances and should be operational in nature.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial 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 available military records the Board determined the applicant's official military documentation, including his Officer Record Brief (ORB), confirms entitlement to a third Joint Meritorious Unit Award (JMUA) not currently reflected on his DD Form 214.

2. However, the Board found insufficient justification for correction of foreign service time on the applicant's DD Forms 214 dated 11 May 1989 and 31 August 2000. In accordance with Army Regulation 635-5, item 12f (Foreign Service) reflects only the total amount of foreign service performed during the specific active-duty period identified in block 12c. The foreign service reflected in the DA Form 2-1 and ORB

includes service across multiple periods and statuses, including both enlisted and commissioned service, some of which occurred outside the scope of the DD Form 214 periods in question. Based on a review of the records, the foreign service already listed aligns with the regulatory requirement and the applicant’s respective periods of active duty. Therefore, the Board grants partial relief correcting the applicant’s record to reflect the award of the JMUA (Third Award) but denial for correction of foreign service.

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 by amending the applicant’s DD Form 214 to show award of the Joint Meritorious Unit Award (3rd Award).

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 correction of the applicant’s DD Form 214 to show

- for the service period ending 11 May 1989 - 4 years, 1 month, and 19 days of foreign service
- for the service period ending 31 August 2000 –4 years, 11 months, and 29 days of foreign service

6/17/2024

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 635-5 (Separation Documents), in effect at the time, states 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 release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. Item 12f (Foreign Service) states from the Enlisted Record Brief/Officer Record Brief show the total amount of foreign service performed during the period covered by block 12c (Net Active Service This Period).
3. Department of Defense Instruction 1348.33 (Military Awards Program) states the Joint Meritorious Unit Award was authorized by the Secretary of Defense on 10 June 1981. It is awarded to recognize joint units and activities for meritorious achievement or service superior to that which is normally expected. Qualifying achievements must be superior to that which is expected under conditions of combat with an armed enemy of the United States, a declared national emergency situation, or extraordinary circumstances and should be operational in nature. The Joint Meritorious Unit Award may not be awarded to any DOD activity which has received any other unit award for the same achievement or period of service. An oak leaf cluster is authorized for wear for each additional award of the Joint Meritorious Unit Award.

//NOTHING FOLLOWS//