

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 May 2024

DOCKET NUMBER: AR20230010507

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 4 June 1984 to show 2 years foreign service in Korea and a personal appearance hearing before the Board.

APPLICANT'S SUPPORTING DOCUMENT CONSIDERED BY THE BOARD:

DD Form 149 (Application for Correction of Military Record)

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 served in South Korea for 2 years and his DD Form 214 does not show his foreign service in Korea. He served his country, and he deserves to have the form recognize where he served and for how long.
3. The applicant enlisted in the Regular Army on 5 June 1981.
4. On 4 June 1984, he was honorably released from active duty upon the expiration of his term of service (ETS). The DD Form 214 he was issued shows:
 - a. He was awarded or authorized the:
 - Army Commendation Medal
 - Army Achievement Medal
 - Army Service Ribbon
 - Overseas Service Ribbon
 - Marksman Marksmanship Qualification Badge with Rifle Bar
 - Army Good Conduct Medal
 - b. Block 12f (Foreign Service), "01 06 00"

- c. Block 18 (Remarks) does not contain an entry referencing service in Korea.
5. His Official Military Personnel File contains his DA Form 2-1 (Personnel Qualification Record). Item 6 (Overseas Service) states he served in Korea for 18 months from 16 December 1981 to 15 June 1983.
6. The Army regulation governing the preparation of separation documents at the time of his ETS only provides for annotating deployed service on a Soldier's DD Form 214. There is no regulatory basis for documenting permanent change of station (PCS) assignments on the DD Form 214.
7. Army Regulation 15-185 (ABCMR) states an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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 petition and available military records the Board determined there was insufficient evidence showing the dates annotated on the applicant's DD Form 214 were in error. Evidence shows the applicant served in Korea for 18 months from 16 December 1981 to 15 June 1983. Based on the evidence found in the applicant's record the Board determined his contentions are not warranted. Therefore, the Board denied relief.
2. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

: : : GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

█ █ █ DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, the Board found 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.

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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(S):

A review of the applicant's records shows he is authorized additional awards not annotated on his DD Form 214 for the period ending 31 October 1999. As a result, amend his DD Form 214 by adding the Korea 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 635-5 (Separation Documents), then in effect, prescribes the separation documents that must be prepared for Soldiers on retirement, discharge, or release from active service or control of the Active Army. Chapter 2 contains guidance on the preparation of the DD Form 214. It states:
 - a. For block 18 (Remarks), use this block for Headquarters, Department of the Army mandatory requirements when a separate block is not available, and as a continuation for entries in blocks 11 (Primary Specialty), 13 (Decorations, Medal, Badges, Citations and Campaign Ribbons Awarded or Authorized), and 14 (Military Education).
 - b. For block 18, for an active duty Soldier deployed with his or her unit during their continuous period of active service, enter the statement "Service In (Name of Country Deployed) From (Inclusive Dates for Example, YYYYMMDD - YYYYMMDD)."
3. Army Regulation 635-5 does not provide for listing PCS moves on the DD Form 214.
4. Army Regulation 600-8-22 (Military Awards) states the Korea Defense Service Medal was established by the National Defense Authorization Act of 2003, Public Law 107-314. It is authorized for award to members of the Armed Forces of the United States who served on active duty in support of the defense of the Republic of Korea. The period of eligibility is 28 July 1954 to a date to be determined by the Secretary of Defense. The criterion for this award states a Soldier must have been assigned, attached or mobilized to units operating in the area of eligibility for 30 consecutive days or for 60 nonconsecutive days.
5. Army Regulation 15-185 prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR begins its consideration of each case with the

presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//