

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 April 2024

DOCKET NUMBER: AR20230010566

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from Active Duty) to reflect:

- deployment to Guam in support of Operation New Life
- award of the Humanitarian Service Medal
- personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 covering the period ending 12 October 1976
- email correspondence from two individuals on Together We Served
- Wikipedia Article titled, "Operation New Life"

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:

a. He was assigned to Combat Support Company, 1st Battalion, 5th Infantry Regiment, 25th Infantry Division, (CSC, 1/5, 25 IN) and deployed to Guam in April 1975 for Operation New Life. This is not reflected on his DD Form 214 or anywhere in his official records and he would like it to be added.

b. He is due a Humanitarian Service Medal and needs proof to receive it. Some of the guys he served with have it listed on their DD Forms 214, and some do not. He served there so he deserves to have it on his DD Form 214. He now found out that they were exposed to Agent Orange while there.

3. The applicant enlisted in the Regular Army on 23 August 1974.
4. The applicant's DA Form 2-1 (Personnel Qualification Record – Part II) shows:
 - a. Item 5 (Overseas Service) shows he served in Hawaii from 1 December 1975 through 16 October 1976.
 - b. Item 9 (Awards, Decorations, and Campaigns) shows he was awarded or authorized the National Defense Service Medal, Expert Marksmanship Qualification Badge with Rifle Bar (M-16), and the Marksmanship Qualification Badge with Mortar Bar.
 - c. Item 35 (Record of Assignments) shows he was en route to Hawaii effective 19 December 1974, his arrival at Combat Support Company, 1st Battalion, 5th Infantry Regiment, 25th Infantry Division in Hawaii on 22 January 1975 with a through date in that unit and location of 15 September 1976
5. There are no documents in the applicant's available service records, to include orders, certificates of appreciation or achievement, and awards reflecting his deployment to Guam in support of Operation New Life in April 1975.
6. The applicant's DD Form 214 shows he was honorably discharged on 12 October 1976, due to dependency or hardship with corresponding separation code KDH. He was credited with 2 years, 1 month, and 14 days of net active service, including 1 year, 8 months, and 15 days of overseas service. Item 27 (Remarks) shows his last country of overseas assignment was Hawaii.
7. The applicant provided email correspondence from the cite Together We Served, where he contacted two individuals who also served in the 25th Infantry Division during the same timeframe, regarding the 25th Infantry Divisions' service in Guam in 1975 in support of Operation New Life and award of the Humanitarian Service Medal. One of the men with whom he made contact was able to retroactively receive award of the Humanitarian Service Medal for his deployment to Guam in support of Operation New Life, by including with his application the Certificate of Appreciation he received for his participation in that operation.
8. The applicant also provided a Wikipedia article titled "Operation New Life" which states the operation was in place from 23 April 1975 through 1 November 1975, and provided the care and processing in Guam for the resettlement of Vietnamese refugees evacuated before and after the fall of Saigon at the closing of the Vietnam War.

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 the applicant provided insufficient evidence or statement on his behalf to validate his contention for correction of his DD Form 214 to show deployment to Guam in support of Operation New Life and award of the Humanitarian Service Medal. The Board found there is insufficient evidence to show the applicant was deployed to Guam. Based on the absent of substantiating evidence, the Board denied relief.

2. The Board noted, this board is not an investigative body. The Board determined despite the absence of the applicant's records, they agreed the burden of proof rest on the applicant, however, he did not provide any supporting documentation and his service record has insufficient evidence to support the applicant contentions for correction of his DD Form 214 to show deployment to Guam in support of Operation New Life and award of the Humanitarian Service Medal.

3. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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:

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.

5/6/2024

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 600-8-22 (Military Awards) prescribes Army policy, criteria, and procedures for individual and unit military awards and foreign decorations and badges.

a. The Humanitarian Service Medal is awarded to service members of the Armed Forces of the United States who, after 1 April 1975, distinguished themselves by meritorious direct participation in a Department of Defense or Department of the Army approved significant military act or operation of a humanitarian nature. The Humanitarian Service Medal is an individual U.S. service medal, presented to individuals who are physically present at the site of immediate relief and who directly contribute to an influence the humanitarian action during the identified period of immediate relief.

b. The regulation states a list of operations approved for award of the Humanitarian Service Medal is available at a Department of Defense cite. The Department of Defense list of approved operations for the Humanitarian Service Medal includes Operation New Life in the geographical area of Vietnam and its supporting area of operation, from the dates of 1 April 1975 through 1 November 1975.

3. Army Regulation 635-5 (Separation Documents) in effect at the time, prescribes policies and procedures regarding separation documents, including the standardized preparation of the DD Form 214 (Report of Separation from Active Duty). The specific instructions for preparation of the DD Form 214 show:

a. Item 26 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) states to enter decorations etc. awarded or authorized and covers the entire Army service.

b. Item 27 (Remarks) states to include the total active duty service performed outside the continental limits of the U.S. for the period covered by the DD Form 214 and the last overseas theater in which the service was performed.

4. Army Regulation 15-185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. Paragraph 2-11 states applicants do not have a right to a formal hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//