

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 May 2024

DOCKET NUMBER: AR20230011033

APPLICANT REQUESTS: in effect, correction of the deceased former servicemember's (SM) DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show his foreign service in Vietnam and Korea.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending 25 June 1967
- Certificate of Marriage
- Death 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 applicant states she is the surviving spouse to the SM and she is entitled to dependency and indemnity compensation. The SM's death may have been related to an agent orange presumptive condition.
3. The applicant provides a copy of their marriage certificate and the SM's death certificate.
4. A review of the SM's records shows he is entitled to an additional award not annotated on his DD Form 214. As a result, this award will be added administratively.
5. A review of the SM's service records show:
 - a. He was inducted in the Army of the United States on 21 September 1965.

b. His DA Form 20 (Enlisted Qualification Record) shows in item 31 (Foreign Service) service in Korea from 1 April 1966 to 23 June 1967 (1 year, 2 months, and 24 days).

c. On 25 June 1967, he was honorably released from active duty and transferred to the U.S. Army Reserve. He completed 1 year, 9 months, and 5 days of active service. His DD Form 214 shows in:

- item 11c (Reason and Authority): Overseas Returnee
- item 22c (Foreign and/or Sea Service): USARPAC (U.S. Army Pacific)
1 year, 2 months, and 24 days
- item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized): National Defense Service Medal

6. There is no documentation in the SM's available service record to indicate service in Vietnam.

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 no evidence indicating the SM served in Vietnam. The Board determined there is no basis for correction of his record to show Vietnam service.
3. The evidence confirms the SM served in Korea. The Board determined it would be appropriate to amend item 22c on the SM's DD Form 214 to show "USARPAC – Korea."
4. The Board concurred with the correction described in Administrative Note(s) below.

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 item 22c on his DD Form 214 to show the entry "USARPAC – Korea" 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 any relief in excess of that described above.

9/20/2024

X [REDACTED]CHAIRPERSON
[REDACTED]

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:

The SM served a qualifying period of service in the Republic of Korea for award of the Korea Defense Service Medal. As a result, please amend the SM's DD Form 214 by adding the Korea Defense Service Medal to item 24.

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) provides policy, criteria, and administrative instructions concerning individual military decorations, Army Good Conduct Medal, service medals, and ribbons.
 - a. Paragraph 2-20 (Korea Defense Service Medal) The KDSM was authorized by Section 543, National Defense Authorization Act, 2003. It 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.

b. Table K-1 outlines the campaign credit and service requirements for deployed Soldiers. Campaign credit was authorized for Korea during the period of 27 June 1950 to 27 July 1953 and campaign credit was authorized for Vietnam during the period 15 March 1962 to 28 January 1973.

3. Army Regulation 635-8 (Separation Processing and Documents) outlines separation document preparation, distribution, and correction. Paragraph 5-6 (Rules for Completing the DD Form 214) states for active duty Soldiers, list any/all OCONUS deployment completed during the period of the DD Form 214 being created by annotating in remarks "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates)."

//NOTHING FOLLOWS//