

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 April 2024

DOCKET NUMBER: AR20230011558

APPLICANT REQUESTS: award of the:

- Joint Meritorious Unit Award (JMUA)
- Humanitarian Service Medal (HSM) for his participation in Operation Sea Signal

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

- Two DD Forms 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty)

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 was deployed to Operation Sea Signal in 1994. He was sent home early because he had a start date for his new military occupational specialty (MOS) of 91C, Practical Nurse, and did not receive the JMUA and the HSM. He subsequently moved due to a permanent change of station (PCS) prior to the unit's return home. He never received his awards and did not realize it until working with the Department of Veterans Affairs (VA) about his disability.
3. A review of the applicant's service record shows:
 - a. He enlisted in the Regular Army on 27 November 1991.
 - b. Orders 342-32 dated 8 December 1995, awarded the applicant the 91C MOS effective 22 March 1996.
 - c. A DA Form 4187 (Personnel Action) shows the applicant's request to be discharged early to further his education under the provisions of Army Regulation (AR) 635-200 (Personnel Separations , Chapter 5, was approved on 6 November 1997.

d. He was honorably released from active duty on 15 January 1998. His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 6 years, 1 month, and 14 days of active service. He was assigned separation code MCF and the narrative reason for separation listed as "Attend School," with reentry code 3. Block 12f (Foreign Service) did not list any time spent in a foreign location nor did Block 18 (Remarks). It also shows he was awarded or authorized:

- National Defense Service Medal
- Army Service Ribbon
- Army Good Conduct Medal (2nd Award)
- Expert Marksmanship Qualification Badge with Pistol Bar
- Marksman Marksmanship Qualification Badge with Rifle Bar

4. On 15 April 2024, a member of the Defense Finance Accounting Services staff provided an email with the applicant's Master Military Pay Account (MMPA) to show there was no indication the applicant was deployed or stationed overseas in 1994.

5. By regulation (AR 15-185), the ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

6. By regulation (AR 600-8-22), the Humanitarian Service Medal is awarded to members who, after 1 April 1975, distinguished themselves by meritorious direct participation in a Department of Defense approved significant military act or operation of a humanitarian nature. A service member must be on active duty at the time of direct participation, must have directly participated in the humanitarian act or operation within the designated geographical area of operation and within specified time limits, and must provide evidence that substantiates direct participation.

7. 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:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. The applicant does not provide evidence that he directly supported or participated in a humanitarian act or operation within a designated geographical area of operation and within specified time limits in a Department of Defense approved significant military act or operation of a humanitarian nature.

b. The Joint Meritorious Unit Award is authorized by the Secretary of Defense and is awarded to recognize joint units and activities for meritorious achievement or service superior to that which is normally expected. This award is not within the purview of the Department of the Army. Additionally, the applicant does not provide evidence he was assigned to a unit that was awarded the JMUA while he was a member of such unit.

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:

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.

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 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. Army Regulation 600-8-22 (Military Awards) states the Humanitarian Service Medal is awarded to members who, after 1 April 1975, distinguished themselves by meritorious direct participation in a Department of Defense approved significant military act or operation of a humanitarian nature. A service member must be on active duty at the time of direct participation, must have directly participated in the humanitarian act or operation within the designated geographical area of operation and within specified time limits, and must provide evidence that substantiates direct participation.

4. 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//