

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 May 2024

DOCKET NUMBER: AR20230011903

APPLICANT REQUESTS: in effect -

a. correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show award of the:

- Korea Defense Service Medal
- Kosovo Campaign Medal for service with Task Force Falcon, July to October 1999
- Global War on Terrorism Service Medal (GWOTSM)

b. a Cold War Recognition Certificate

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

- DD Form 149 (Application for Correction of Military Record)
- 2 DD Forms 214
- Orders 208-00400, Headquarters 101st Airborne Division (Air Assault) and Fort Campbell, 27 July 1999
- DA Form 638 (Recommendation for Award), 12 March 2002
- DA Form 2-1 (Personnel Qualification 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 Board will not consider the below portions of the applicant's request:

a. There was sufficient evidence of record to justify an administrative correction of his DD Form 214 to add the National Defense Service Medal (2nd Award) without action by the Board.

b. The applicant has requested award of the Cold War Recognition Certificate. The Cold War Recognition Certificate is not governed by the provisions of Army Regulation 600-8-22 (Military Awards) and, as a result, is not shown on a discharge document. The Secretary of Defense approved awarding the Cold War Recognition Certificate to all members of the armed forces and qualified federal government civilian personnel who faithfully and honorably served the United States anytime during the Cold War era, which is defined as 2 September 1945 to 26 December 1991. The applicant may submit a request in writing to Commander, U.S. Army Human Resources Command, Cold War Recognition, ATTN: AHRC-CWRS, 1600 Spearhead Division Avenue, Fort Knox, KY 40122. Based on this information, the applicant's request for the Cold War Recognition Certificate will not be discussed any further in this Record of Proceedings.

3. Having 4 months and 10 days prior U.S. Navy service, the applicant enlisted in the Regular Army on 19 October 1993. He served in military occupational specialty 95B (Military Police).

4. The applicant provides:

a. DA Form 2-1 which shows his service in Korea from 29 July 1994 to 27 October 1995 and Germany from 29 July to 24 October 1999.

b. DA Form 638 which shows he was awarded the Army Achievement Medal; Achievement #4 lists his achievement in the wake of the 9-11 attack.

c. Orders 208-00400, Headquarters 101st Airborne Division (Air Assault) and Fort Campbell, 27 July 1999, for deployment in support of Task Force Falcon for a period of 179 days, with possible extension to 364 days.

5. On 16 April 2002, he was honorably discharged due to disability with severance pay. The DD Form 214 he was issued shows he served 8 years, 5 months, and 28 days net active service this period with 1 year, 5 months, and 25 days foreign service. The form further shows he was awarded or authorized the:

- Army Achievement Medal (2nd Award)
- Army Good Conduct Medal (2nd Award)
- National Defense Service Medal
- Noncommissioned Officer Professional Development Ribbon with numeral 2
- Army Service Ribbon
- Overseas Service Ribbon
- Expert Marksmanship Qualification Badge with Pistol Bar (9mm)
- Expert Marksmanship Qualification Badge with Hand Grenade Bar
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- Air Assault Badge

6. During the processing of this case, the Defense Finance and Accounting Service (DFAS) reviewed his Master Military Pay Account, which failed to verify his service in Serbia (including Kosovo), Montenegro, Albania, Macedonia, and the waters and airspace of the Adriatic Seas within 12 nautical miles of the Montenegro, Albania, and Croatia coastlines south of 42 degrees and 52 minutes north latitude. Note: DFAS only verifies receipt of hostile fire/imminent danger pay. DFAS does not verify inclusive dates of deployed service or deployment locations beyond the first qualifying country (e.g., Kuwait versus Iraq). DFAS pay records are not considered "source documents," but may be considered as supporting documents leading to a preponderance of the evidence. A second source document is required.

7. Army Regulation 635-8 (Separation and Processing and Documents), establishes the standardized policy for preparing and distributing the DD Form 214. Chapter 5 contains guidance on the preparation of the DD Form 214, to include entering foreign service and remarks pertaining to deployment locations and through dates.

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 petition and available military records the Board determined based on the DFAS MMPA verification, there is sufficient evidence to support the applicant served in Kosovo. Furthermore, the applicant's record reflects he served 15 months in the Republic of Korea and that he meets the criteria for award of the Global War on Terrorism Service Medal.

2. The Board noted the Cold War Recognition Certificate is not governed by the provisions of Army Regulation 600-8-22 (Military Awards) and, as a result, is not shown on the DD form 214. The analyst of record did provide the process required through Human Resources Command to receive the certificate. As such, the Board granted partial relief to correct the applicant's DD Form 214 awarding him the Korea Defense Service Medal, Global War on Terrorism Service Medal and the Korea Defense Service Medal.

3. 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:

1. In addition to the administrative notes annotated by the Analyst of Record (below the signature), 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 for the period ending 6 April 2002, awarding him the

- Korea Defense Service Medal
- Global War on Terrorism Service Medal
- Korea Defense Service Medal

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 adding the Cold War Recognition Certificate to the applicant's DD Form 214.

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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):

Make the following administrative corrections to block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) of the applicant's DD Form 214 for the period ending 16 April 2002:

- a. delete the National Defense Service Medal; and
- b. adding -National Defense Service Medal (2nd Award)

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) states:

a. The National Defense Service Medal is awarded for honorable active service for any period between 27 July 1950 and 27 July 1954, 1 January 1961 and 14 August 1974, 2 August 1990 and 30 November 1995, and 11 September 2001 and a date to be determined.

b. The Korea Defense Service Medal 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. The period of eligibility is 28 July 1954 to a date to be determined by the Secretary of Defense.

c. The GWOTSM is authorized for award to members of the Armed Forces of the United States who participated in Global War on Terrorism operations outside of the areas of eligibility designated for award of the Global War on Terrorism Expeditionary Medal, Afghanistan Campaign Medal, or Iraq Campaign Medal. All Soldiers on active duty on or after 11 September 2001 to a date to be determined having served 30 consecutive or 60 nonconsecutive days are authorized the GWOTSM.

d. The Kosovo Campaign Medal is awarded to Servicemembers of the Armed Forces of the United States who, after 24 March 1999, participated in or served in direct support of Kosovo Operation(s): Allied Force; Joint Guardian; Allied Harbour; Sustain Hope/Shining Hope; Noble Anvil; or Kosovo Task Forces(s): Saber, Hunter, Hawk, or Falcon within the Kosovo Air Campaign or Kosovo Defense Campaign areas of

eligibility. The Kosovo Defense Campaign began on 11 June 1999 to 31 December 2013. The area of eligibility (AOE) for the defense campaign includes the total land area and airspace of Serbia (including Kosovo), Montenegro, Albania, Macedonia, and the waters and airspace of the Adriatic Seas within 12 nautical miles of the Montenegro, Albania, and Croatia coastlines south of 42 degrees and 52 minutes north latitude. Servicemembers must be bona fide members of a unit participating in or be engaged in direct support of the operation for 30 consecutive days in the AOE or for 60 nonconsecutive days provided this support involves entering the operations AOE or meets one or more of the following criteria:

(1) Be engaged in actual combat, or duty that is equally as hazardous as combat duty, during the operation with armed opposition, regardless of time in the AOE.

(2) While participating in the operation, regardless of time, is wounded or injured and requires medical evacuation from the AOE.

(3) While participating as a regularly assigned air crewmember flying sorties into, out of, within, or over the AOE in direct support of the military operations.

3. 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 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//