

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 June 2024

DOCKET NUMBER: AR20230012087

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show he served in the Demilitarized Zone (DMZ) in Korea. Additionally, he requests an opportunity to appear before the Board by telephone or video.

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

- DD Form 149 (Application for Correction of Military Record)
- Brother's Statement
- DD Form 214

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 would like recognition for the time he served on the DMZ in Korea. He would be more creditable if he had proof of this service. The road to the fence was defoliated, if he were to encounter a resulting condition from that exposure it would be verified. He has an enlarged prostate.
3. The applicant's brother states he received numerous letters from the applicant describing his experiences in the DMZ. The applicant told him about the patrols they went on and about the jeep that was ambushed after they completed their patrol. The applicant could look across and see North Korean gun emplacements. The applicant had a feeling of being watched while on guard at the fence. He believes the applicant should be entitled to award of the Combat Infantry Badge.
4. The applicant enlisted in the Regular Army on 14 January 1969, and he held military occupational specialty (MOS) 11B (Light Weapons Infantryman). He was assigned to Korea from 15 June 1969 to 14 June 1970. He served with Company A, 1st Battalion, 32nd Infantry, 7th Infantry Division.

5. He was honorably released from active duty on 29 September 1970, and he was transferred to the U.S. Army Reserve Control Group (Annual Training) to complete his service obligation.
6. His DD Form 214 shows he completed 1 year, and 8 months, and 16 days of net service this period. Item 22c (Foreign and/or Sea Service) shows he completed 1 year, 2 months, and 15 days in the U.S. Army Pacific (USARPAC) [Korea]. His DD Form 214 does not reflect the Korea Defense Service Medal; this award will be addressed through an administrative correction.
7. The regulation in effect at the time required an entry for total active duty outside the continental limits of the United States for the period covered by the DD Form 214 in item 22c which is correctly shown on his DD Form 214.
8. The DD Form 214 is a summary of a Soldier's most recent period of continuous active service. There is no provision in the governing regulation to list assignment from one unit to another or service in the DMZ on this form. The applicant may use this Record of Proceedings to confirm his service in Korea.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. The evidence shows the applicant served on active duty from 14 January 1969 to 29 September 1970, with service in Korea from 15 June 1969 to 14 June 1970, with Company A, 1st Battalion, 32nd Infantry. His DD Form 214 correctly captured his foreign service in Item 22c (Foreign and/or Sea Service) which shows he completed 1 year, 2 months, and 15 days in the U.S. Army Pacific- Korea. The regulation in effect at the time required an entry for total active duty outside the continental limits of the United States for the period covered by the DD Form 214 in item 22c which is correctly shown on his DD Form 214. The DD Form 214 is a summary of a Soldier's most recent period of continuous active service. There is no provision in the governing regulation to list assignment from one unit to another or service in the DMZ on this form. The applicant may use this Record of Proceedings to confirm his service in Korea.

b. Based on his service in Korea, he qualifies for award of the Korea Defense Service Medal and should have it listed on his DD Form 214.

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:

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 adding the Korea Defense Service Medal to his DD Form 214.
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 listing his DMZ service on the DD Form 214.

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[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.

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 (Army Board for Correction of Military Records), paragraph 2-11, states applicants do not have a right to a formal hearing before the ABCMR. The Director of the ABCMR may grant a formal hearing whenever justice requires.

3. Army Regulation 635-5 (Separation Documents) establishes the standardized policy for preparing and distributing the DD Form 214. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service. Chapter 2 of the regulation in effect at the time contained guidance on the preparation of the DD Form 214. It stated that for item 22c, enter the total amount of active duty outside the continental limits of the United States for the period covered by the DD Form 214 and the last overseas theater service was performed, e.g. USAREUR (U.S. Army Europe), USARPAC, etc.

4. Army Regulation 600-8-22 (Military Awards) states 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.

//NOTHING FOLLOWS//