

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 July 2024

DOCKET NUMBER: AR20230012262

APPLICANT REQUESTS: in effect, correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) by adding the following:

- Armed Forces Expeditionary Medal
- Joint Meritorious Unit Award

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Home.Army.Mil article

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). 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, in effect, she deployed to Somalia in support of Operation Restore Hope when she was a member of the 984th Military Police (MP) Company. Because of her participation, her command gave her a medal (i.e., Armed Forces Expeditionary Medal) and her unit received a Joint Meritorious Unit Award; however, neither awards are reflected in her service record. In support of her request, the applicant provides a document that states the Joint Meritorious Unit Award was awarded to the 984th MP Company for its support of Operation Restore Hope (1992 to 1993).

3. A review of the applicant's service record reveals the following:

a. On 11 September 1989, the applicant enlisted into the Regular Army for 4 years; upon completion of initial entry training and the award of military occupational specialty

95B (Military Police), orders assigned her to Fort Carson, CO, and she arrived at her new duty station, on 23 February 1990. The applicant's DA Form 2-1 (Personnel Qualification Record – Part II) shows she arrived at the 984th MP Company, on 23 February 1990, and, on or about 27 February 1990, she transferred to the 4th MP Company.

b. The applicant's available service record is void of any entries or documentation confirming her deployment to Somalia. On 10 March 1993, the applicant immediately reenlisted for 4 years.

c. On 29 June 1993, Joint Staff Permanent Order Number J-1SO-0203-93 awarded the Joint Meritorious Unit Award to the 984th MP Company, for its service as part of the Unified Task Force, Somalia; the order shows the period of the award is 5 December 1992 to 4 May 1993.

d. On 28 October 1994, the Army honorably released the applicant from active duty, due to pregnancy, and transferred her to the U.S. Army Reserve. Her DD Form 214 shows she completed 5 years, 1 month, and 18 days of net active-duty service. The report additionally reflects the following:

(1) Item 12f (Foreign Service): "0000/00/00."

(2) Item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized):

- Army Good Conduct Medal (1st Award)
- National Defense Service Medal
- Army Lapel Button
- Army Service Ribbon
- Three marksmanship qualification badges

(3) Item 18 (Remarks): no entries indicating a deployment to Somalia.

4. On 11 July 2024, the Defense Finance and Accounting Service (DFAS) reviewed the applicant's Master Military Pay Account (MMPA) and was unable to verify any foreign service performed by the applicant during her active-duty service. DFAS is considered the authoritative source when determining foreign service credit based on a Soldier's receipt of Hostile Fire/Imminent Danger Pay and Combat Zone Tax Exclusion (HF/IDP and CZTE).

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 governing regulation provides that at separation the service member's record will be used to enter accurate information when completing their DD Form 214. The Board determined the applicant's record is absent sufficient evidence to support she deployed to Somalia in support of Operation Restore Hope with the 984th MP Company.

2. The Board agreed burden of proof rest on the applicant to provide sufficient documentation to support her claim for hazardous duty pay for service in direct support of operations. The Board noted, Defense Finance and Accounting Service (DFAS) reviewed the applicant's Master Military Pay Account (MMPA) and was unable to verify any foreign service performed by the applicant during her active-duty service. Furthermore, during deliberation the Board noted for award of the Armed Forces Expeditionary Medal (AFEM) the requirements are that an individual, who was not engaged in actual combat or equally hazardous activity, must have been a bona fide member of a unit participating in, or be engaged in the direct support of, the operation for 30 consecutive or 60 nonconsecutive days provided this support involved entering the area of operations.

3. Evidence in the record show the applicant was assigned to 4th MP Company. The Board determined based on regulatory guidance the applicant did not meet the criteria for award of the AFEM. The Board found no evidence the applicant's unit awarded the Joint Meritorious Unit Award. Therefore, the Board denied relief.

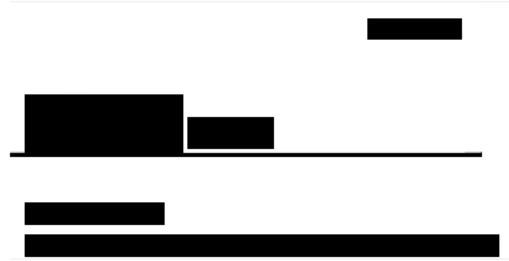
BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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.



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, USC, 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 (AR) 600-8-22 (Military Awards), currently in effect, prescribes policies and procedures for military awards.

a. Paragraph 2-12 (Armed Forces Expeditionary Medal). The Armed Forces Expeditionary Medal is authorized for qualifying service after 1 July 1958, based on the following:

(1) Participation as a member of a U.S. military unit in a U.S. military operation that, in the opinion of the Joint Chiefs of Staff, involved significant numbers of U.S. Forces.

(2) Encountered foreign armed opposition, or were otherwise placed in a position that, in the opinion of the Joint Chiefs of Staff, exposed the service member to an imminent threat of hostile action by foreign armed forces, whether or not that threat materialized.

b. Table C-4 (Armed Forces Expeditionary Medal – Designated U.S. Military Operations in Direct Support of the United Nations) lists Somalia – Operations Restore Hope and United Shield, during the period 5 December 1992 to 31 March 1995.

3. AR 635-5 (Separation Documents), in effect at the time, prescribed policies and procedures for the completion of the DD Form 214.

a. Item 12f (Foreign Service) was to list the total amount of foreign service completed during the period of the report.

b. Item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) was to show all awards.

c. Effective 30 September 2000, the Army issued a revision to AR 635-5 that added the requirement to show deployments in item 18 (Remarks); DD Form 214 preparers were to add the following statement: "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates for example, YYYYMMDD – YYYYMMDD)."

4. AR 15-185 (ABCMR), currently in effect, states:

a. The ABCMR decides cases on the evidence of record; it is not an investigative body. Additionally, the ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).

b. The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

//NOTHING FOLLOWS//