

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 August 2024

DOCKET NUMBER: AR20230013894

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show:

- award of the Armed Forces Service Medal and Joint Service Achievement Medal
- deployment to Haiti from 1 July to 31 July 1999

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

- DD Form 149 (Application for Correction of Military Record)
- Permanent Orders 173-17, Headquarters, 82nd Airborne Division, 22 June 1999
- Individual Fund Citation, Fort Bragg Rotation Haiti, on or about 6 July 1999
- DA Form 2823 (Sworn Statement), DCM, 22 December 2021
- Buddy Statement, [REDACTED], 23 December 2021
- Partial 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 applicant states, in effect, he has orders to Haiti with his name to deploy on 1 July 1999 and two buddy letters describing his part in a High Mobility Multipurpose Wheeled Vehicle (HMMWV) accident. He feels he is being denied disability for post-traumatic stress disorder which he received from the accident because his DD Form 214 does not show his deployment Haiti and associated awards.
3. The applicant enlisted in the Regular Army on 8 July 1998. He served in military occupational specialty 11B (Infantryman).
4. On 30 August 2000, he was discharged under honorable conditions (general) due to misconduct. The DD Form 214 he was issued does not list any foreign service or deployment to Haiti. The form shows in”

- Block 12f (Foreign Service) 0000-00-00
- Block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) Army Service Ribbon, Expert Marksmanship Qualification Badge with Rifle Bar, and Parachutist Badge
- Block 18 (Remarks) no listing of any deployment

5. His Official Military Personnel File does not contain and the applicant did not provide evidence of award of the Armed Forces Service Medal or Joint Service Achievement Medal.

6. The applicant provides:

a. Permanent Orders 173-17, Headquarters, 82nd Airborne Division, 22 June 1999, which placed Company A, 1st Battalion, 325th Parachute Infantry Regiment on Unit Temporary Change of Station orders for approximately 90 days to provide force protection in support of Operation Uphold Democracy effective on or about 6 July 1999.

b. Individual Fund Citation roster for the rotation to Haiti on or about 6 July 1999. The applicant's name is listed on the roster.

c. DA Form 2823 dated 22 December 2021, in which DCM states, in effect, that he served in the same fire team as the applicant in Haiti in the summer of 1999. While on patrol in Port-Au-Prince, Haiti, the applicant was driving a HMMWV which was involved in a motor vehicle accident which pinned a civilian's arm between the HMMWV and the civilian vehicle causing damage and external bleeding to the civilian's arm. An official report was made to the commander and the applicant cleaned the residual blood from the HMMWV and restricted himself from driving further missions in Haiti. He has remained friends with the applicant and notes the applicant is still affected by the incident. He further notes the applicant has concerns with driving in traffic and that the incident led to increased stress and discipline actions from the Army which impacts him today.

d. Sworn statement dated 23 December 2021, in which ■■■ states, in effect, he was the platoon medic who was deployed to Haiti from 7 July to 22 September 1999. On or about 20 July 1999, the applicant was the driver of the lead HMMWV which collided with a civilian vehicle when they purposely swerved in front of the HMMWV. Per command policy, the applicant pushed through the collision. He was visibly shaken and upon return to camp, he requested he not be assigned as driver on future convoys. He has remained in contact with the applicant and notes how the applicant is still bothered by the event to the point it has caused him sleep disturbances and anxiety while in high traffic areas.

e. Partial DA Form 2-1 which offers no pertinent information concerning his request.

7. During the processing of this case, the Defense Finance and Accounting Service (DFAS) reviewed his Master Military Pay Account. DFAS could not verify his claim of deployed service in Haiti. 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. 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.

8. 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 awards, foreign service and remarks pertaining to deployment locations and through dates.

#### 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. Award of the Joint Service Achievement Medal: Deny. There is no evidence in the record and the applicant does not provide evidence he was awarded this Joint award. If he has a copy of the orders that awarded him this award, he may reapply to this Board for its addition to his DD Form 214.

b. Deployment to Haiti from 1 July to 31 July 1999 and Armed Forces Service Medal: Deny.

(1) The Board noted that the applicant provides Permanent Orders 173-17, issued by Headquarters, 82nd Airborne Division, that placed Company A, 1st Battalion, 325th Infantry on Unit TCS orders for approximately 90 days to provide force protection in support of Operation Uphold Democracy effective on 6 July 1999; the Individual Fund Citation roster for the rotation to Haiti on 6 July 1999 that listed his name; and the 2 statements from former unit members who attest that the applicant did serve in Haiti

(2) However, the Board found nothing in the applicant's service records shows he deployed to Haiti, such as an award, certificate, travel voucher, or other documentary evidence of this deployment to Haiti, or exact dates of such deployment. Additionally, DFAS could not verify his claim of deployed service in Haiti. DFAS verifies receipt of hostile fire/imminent danger pay.

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:

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.

X

CHAIRPERSON

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 635-8, 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. This regulation requires the following entries:

a. In block 12f (Foreign Service) enter the total amount of service performed outside the Continental United States (OCONUS) during the period covered by the DD Form 214, to include deployments. List periods of deployed service in block 18 (Remarks).

b. In block 18, for an active duty Soldier, list any/all OCONUS deployments completed during the period of the DD Form 214 being created, the statement "Service in (Name of Country Deployed) From (inclusive dates)."

3. Army Regulation 600-8-22 (Military Awards) provides Army policy, criteria, and administrative instructions concerning individual military decorations service medals and ribbons, combat and special skill badges and tabs, unit decorations, and similar devices awarded in recognition of accomplishments. It provides -

a. The Armed Forces Service Medal may be awarded to members of the Armed Forces of the United States for operations for which no other U.S. campaign or service medal is approved and who, after 1 June 1992 participate or have participated as members of U.S. military units in a U.S. military operation deemed to be a significant activity and encounter no foreign armed opposition or imminent threat of hostile action. Service members must be bona fide members of a unit participating in or engaged in direct support of the operation for 30 consecutive days in the area of eligibility (or for the full period when an operation is of less than 30 days' duration) or 60 nonconsecutive days provided this support involves entering the area of eligibility or meet the following criteria:

- While participating as a regularly assigned aircrew member, accumulates 15 days service (consecutive/nonconsecutive flying sorties into, out of, within, or over the area in direct support of the military operations
- One day's service is credited for the first sortie flown on any day. Additional sorties flown on the same day receive no further credit

b. The Joint Service Achievement Medal was authorized by the Secretary of Defense on 3 August 1983. It is awarded to members of the Armed Forces of the United States below the grade of O-6 who, after 3 August 1983 distinguished themselves by meritorious achievement or service. The prescribing directive, including processing instructions and approval authorities, for the Joint Service Achievement Medal is Department of Defense Manual 1348.33, Volume 4.

4. 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//