

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 July 2024

DOCKET NUMBER: AR20230014540

APPLICANT REQUESTS:

- correction to his DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 12 January 1994 to reflect his deployment to Somalia, Mogadishu in support of Operation Gothic Serpent
- A personal Appearance before the Board via video or telephone.

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

- DD Form 149 (Application for Correction of Military Record)
- Leave and Earnings Statements (LES), covering August – December 1993
- DD Form 214, ending 12 January 1994

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 pertinent part, his deployment to Somalia, Mogadishu in support of Operation Gothic Serpent while assigned to the 10th Mountain Division is not depicted on his DD Form 214 which is causing him difficulty in applying for and obtaining benefits through the Veteran's Affairs.
3. A review of the applicant's available service record reflects the following:
  - a. On 31 August 1989, he enlisted in the Regular Army.
  - b. DA Form 2-1 (Personnel Qualification Record – Part II), Item 5 (Oversea Service) shows Europe-Germany, from 9 March 1990 – 27 December 1992.
  - c. On 2 December 1993, Headquarters, 10th Mountain Division (Light Infantry) and

Fort Drum issued Orders Number 336-00203, reassigning him to the U.S. Army transition point for transition processing and honorable release from active duty with assignment to the U.S. Army Reserve (USAR) Control Group (Reinforcement), effective 12 January 1994.

d. DD Form 214, ending 12 January 1994 reflects an honorable release from active duty for completion of required active service.

(1) Item 12 (Record of Service) shows service from 31 August 1989 to 12 January 1994 for a net active service this period of 4 years, 4 months, and 12 days.

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

- Army Service Ribbon
- National Defense Service Medal
- Army Achievement Medal
- Overseas Service Ribbon
- Expert Marksmanship Qualification Badge with Rifle and Hand Grenade Bars
- Parachutist Badge
- Noncommissioned Officer Professional Development Ribbon

(3) Item 18 (Remarks) is void of entry pertaining to deployment.

e. On 1 April 1997, the U.S. Army Reserve Personnel Center issued Orders Number D-04-727103 honorably discharging him from the USAR.

f. His record is void of orders for deployment to or redeployment from Somalia, Mogadishu in support of Operation Gothic Serpent.

g. The applicant's records are void of any non-judicial punishment, lost time, or disqualifying documentation that would preclude him from being awarded the Army Good Conduct Medal.

4. The applicant provides the LES' covering August – December 1993 showing he was paid:

- hostile fire pay and imminent danger pay for the period 1 August 1993 to 30 November 1993
- Foreign Duty Pay from 2 August 1993 to 15 November 1993
- Family Separation Allowance from 2 August 1993 to 15 November 1993

BOARD DISCUSSION:

1. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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

a. The applicant provides his Leave and Earning Statements reflective of his receipt of hostile fire pay and imminent danger pay, foreign duty pay, and family separation allowance, from 2 August 1993 to 15 November 1993 (3 months and 13 days). During this period, Soldiers of the 10th Mountain Division deployed to Somalia. Therefore, the Board determined that it reasonable to believe he deployed to Somalia with his during this period and should have his DD Form 214 corrected to show the deployment/foreign service and any associated awards.

d. As a related award, although not specifically requested by the applicant, the Board noted that the applicant served continuously on active duty from 31 August 1989 to 12 January 1994, completing 4 years, 4 months, and 12 days. His record does not reflect any lost time or any derogatory information that would have disqualified him from receiving his first award of the Army Good Conduct Medal, or a commander's disqualifying memorandum for this award. The Board determined he met the criteria to be awarded the Army Good Conduct Medal (1st Award).

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

■	■	■	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- awarding the applicant the Army Good Conduct Medal (1st Award) for service during the period 31 August 1989 through 30 August 1992
- amending the applicant's DD Form 214 as follows:
  - Blocks 12f, add 3 months and 13 days
  - Block 13, add the Armed Forces Expeditionary Medal and Army Good Conduct Medal (1st Award)
  - Block 18, add Service in Somalia from 2 August 1993 to 15 August 1993

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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, 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) 635-5 (Separation Documents) in effect at the time, provides the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service or control of the Army. For item 18; use this block for entries required by Headquarters Department of the Army for which a separate block is not available and for completing entries that are too long for their blocks. Effective with the version of the regulation dated 15 September 2000, item 18 will state "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates for example, YYYYMMDD -YYYYMMDD).

3. AR 600-8-22 (Military Awards) states the following awards are authorized for service in Somalia:

a. Armed Forces Expeditionary Medal may be awarded to Servicemembers of the Armed Forces of the United States who, after 1 July 1958— (1) Participate, or have participated, as members of the U.S. military units in a U.S. military operation in which Servicemembers of any military department participate, in the opinion of the Joint Chiefs of Staff, in significant numbers. (2) Encounter during such participation foreign-armed opposition, or are otherwise placed, or have been placed, in such position that, in the opinion of the Joint Chiefs of Staff, hostile action by foreign armed forces were imminent even though it did not materialize. It may be authorized for U.S. Military Operations and U.S. operations in direct support of the United Nations. Servicemembers must be bona fide members of a unit participating in or be engaged in the direct support of the operation for 30 consecutive days in the area of operations (or for the full period when an operation is less than 30 days duration) or for 60 nonconsecutive days provided this support involved entering the area of operations or and meets one or more of the following criteria: (1) Be engaged in actual combat, or duty, which is equally as hazardous as combat duty, during the operation with armed opposition, regardless of time in the area.

b. United Nations Medal U.S. Servicemembers who are or have been in the service of the United Nations in operations designated by the Secretary of Defense may accept the United Nations Medal when awarded by the Chief of the United Nations mission. a. Eligibility. The eligibility criteria for award of the United Nations Medal requires that an individual serve under the operational or tactical control of the United Nations and serve a minimum of 90 consecutive days in the service of the United Nations.

c. The Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity. This period is 3 years except in those cases when the period for the first award ends with the termination of a period of active Federal military service. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified. The following periods of continuous enlisted active Federal military service qualifies for award of the Army Good Conduct Medal:

- Each 3 years completed on or after 27 August 1940
- For first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946
- For first award only, upon termination of service on or after 27 June 1950, of less than 3 years but more than 1 year

4. AR 15-185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//