

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 September 2024

DOCKET NUMBER: AR20230014645

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) ending 30 September 2000, by:

- adding to block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) the Meritorious Service Medal and Korea Defense Service Medal
- adding correcting the entry in 12f (Foreign Service) show 7 years foreign service.

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

- DD Form 149 (Application for Correction of Military Record)
- self-authored statement
- Letter of Commendation, Headquarters, 6th Battalion, 37th Field Artillery, July 1992
- Permanent Orders 50-20, Headquarters, 6th Battalion, 37th Field Artillery, 27 October 1992
- DA Form 2166-7 (Noncommissioned Officer Evaluation Report (NCOER)), for the period May 1992 - November 1992
- DA Form 638-1 (Recommendation for Award), 1 April 1993
- DA Form 2166-7 (NCOER), for the period December 1992 - May 1993
- DA Form 4980-12 (Meritorious Service Medal Certificate), 19 September 2000
- 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 served 6 years in Germany and 1 year in Korea for a total of 7 years foreign service. He claims he served in:

- Bad Kitzingen, Germany from December 1980 to December 1982
- Babenhausen, Germany from 1986 to 1990
- Camp Essayons, Korea from May 1992 to May 1993

3. The applicant enlisted in the Regular Army on 10 September 1980. He served in military occupational specialties 13M (Multiple Launch Rocket System Crewmember) and 13B (Cannon Crewmember).

4. The following documents indicate the applicant was assigned to A Battery, 6th Battalion, 37th Field Artillery Regiment, Korea from May 1992 thru May 1993

a. A letter of commendation, published by the commander, Headquarters, 6th Battalion, 37th Field Artillery, Korea, in July 1992, which commended the applicant for his performance during a command inspection from 9-12 June 1992.

b. Permanent Orders (PO) 50-20, published by Headquarters, 6th Battalion, 37th Field Artillery Regiment, Camp Essayons, Korea, on 27 October 1992 awarded him the Army Good Conduct Medal (4th Award).

c. A DA Form 638-1 dated 1 April 1993 shows, PO 003-376, 13 April 1993, awarded the applicant the Army Achievement Medal (5th Oak Leaf Cluster) for his service with Battery A, 6th Battalion, 37th Field Artillery Regiment, 2nd Infantry Division, Korea, the period 10 May 1992 to 10 May 1993.

d. Two change of rater NCOERs for the collective rated period May 1992 thru May 1993 (12 months) shows the applicant was assigned to A Battery, 6th Battalion, 37th Field Artillery Regiment, Korea during the period of these NCOERs.

5. His Meritorious Service Medal certificate shows Permanent Orders (PO) 263-005, published at Fort Sill, OK on 19 September 2000, awarded him the Meritorious Service Medal for service from 30 September 1990 to 30 September 2000.

6. Having sufficient service for retirement, he retired honorably on 30 September 2000. The DD Form 214 he was issued shows in:

- Block 12f (Foreign Service) he completed 6 years, 11 months, and 16 days
- Block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized)
 - Army Commendation Medal
 - Army Achievement Medal (12th Award)
 - Army Good Conduct Medal (6th Award)
 - National Defense Service Medal

- Noncommissioned Officer Professional Development Ribbon with numeral 2
- Army Service Ribbon
- Overseas Service Ribbon with numeral 3
- Expert Marksmanship Qualification Badge with Rifle and Grenade bars
- Driver and Mechanic Badge with Driver-T, Driver-W, and Operator-S bars

7. The applicant provides his Meritorious Service Medal certificate and several documents to substantiate his service in Korea. He does not provide nor does his Official Military Personnel File contain the exact dates of his foreign service in Germany and Korea.

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, training, 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 partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Meritorious Service Medal: Grant. Permanent orders awarded the applicant the Meritorious Service Medal. This award is not listed on his DD Form 214. It should be.

b. Korea Defense Service Medal: Grant. The evidence shows the applicant served in Korea from May 1992 to May 1993 and qualifies for award of the Korea Defense Service Medal.

c. Foreign Service: Deny. While the applicant's foreign service and dates of service in Korea are known, the Board did not find the same for Germany. The applicant's record does not contain, and the applicant does not provide sufficient evidence of his service overseas in Germany, specifically date(s) of arrival in and departure from Germany. Therefore, a determination of his exact total foreign service cannot be made.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : 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 to his DD Form 214 the Meritorious Service Medal and 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 his foreign service.

█

█ █

█

█

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 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards and states:

a. The Meritorious Service Medal is awarded to members of the Armed Forces of the United States or of a friendly foreign nation who distinguish themselves by outstanding meritorious achievement or service. After 16 January 1969 but prior to 11 September 2001, the Meritorious Service Medal was authorized to be awarded only for meritorious service or achievement while serving in a non-combat area. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

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.

3. 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 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)."

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//