

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 September 2024

DOCKET NUMBER: AR20240000427

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), ending on 1 November 70, to show an additional seven days of active duty. Additionally, award of the National Defense Service Medal. 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)
- Memorandum, Subject: Request for Record Correction
- Email correspondence
- DD Form 214, ending on 30 April 1970
- DD Form 214, ending on 1 November 1970
- DD Form 220 (Active Duty Report)
- National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service)
- The American Presidency Project
- Self-authored letter
- Army Board for Correction of Military Records (ABCMR) Docket Number AR20230004592 letter

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, his DD Form 214 ending on 30 October 1970 shows previous active service of seven days (active duty by Presidential Order for a National Emergency) which would qualify him for the National Defense Service Medal. The record of active-duty service is nowhere to be found in the National Personnel Records Center or the National Archives. His most recent DD Form 214 does not reflect these

seven days nor the National Defense Service Medal although his NGB Form 22 shows the National Defense Service Medal. He would like the record to show he was a Veteran with a period of active duty during the Vietnam War, and he is eligible for the National Defense Service Medal and also eligible for an American flag on his grave.

3. The applicant's records were requested from the National Personnel Records Center and the social security number provided by the applicant was not in the National Archives and Records Administration. The case will be written by documents provided by the applicant.

4. On 6 December 1969, the applicant enlisted in the Army National Guard for a period of 6-years.

5. On 24 March 1970, the applicant was ordered to active duty by Federal order.

6. On 30 March 1970, the applicant was honorably released from active duty by order of General Order Number 112 and returned to his ARNG unit. He completed 7 days of net active service. DD Form 214, item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) shows "Not Applicable."

7. DD Form 220 shows the applicant was ordered to active-duty 24 March 1970 and released from active duty on 30 March 1970.

8. On 15 May 1970, the applicant was ordered to Active Duty for Training (ACDUTRA).

9. On 1 November 1970, the applicant was honorably released from ACDUTRA and returned to his ARNG unit. He completed 5 months and 6 days of net service. DD Form 214, item 24 shows Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16) and item 22a(2) (Other Service) shows 5 months and 10 days.

10. On 3 April 1973, the applicant was discharged from the ARNG with an under honorable conditions (general) characterization of service. NGB Form 22, item 24 (Decorations, Citations, Medals, Badges, Commendations, and Campaign Ribbons Awarded or Authorized) shows the National Defense Service Medal and item 32 (Remarks) shows active duty from 24 March 1970 through 31 March 1970.

11. The applicant also provides:

a. Memorandum, Subject: Request for Record Correction dated 27 November 2023 wherein the New York ARNG informed the applicant that they could not process his request for a record correction because he was no longer a member of the ARNG.

b. Email correspondence wherein the applicant was requesting to correct his DD Form 214 to add seven days for active-duty service performed previously along with the addition of the National Defense Service Medal. He was referred to the Board.

c. The American Presidency Project describing the unlawful work stoppage of U.S. Postal Service employees which led to the President of the U.S. authorizing the use of the ARNG to perform continuity of postal service.

d. Self-authored letter wherein the applicant states he has exhausted the use of all administrative agencies to have his service record corrected.

e. ABCMR Docket Number AR20230004592 letter wherein the applicant was informed he did not exhaust use of his state Adjutant General to correct his record.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered counsel's statement, 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 there is sufficient evidence to show an additional seven days of active-duty support. Furthermore, the Board found the applicant met the criteria for award of the National Defense Service Medal. As such, the Board granted relief to correct the applicant's DD Form 214 and award him the National Defense Service Medal.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, 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.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	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 amending the applicant's DD Form 214 for the period ending 1 November 70 to show award of the National Defense Service Medal (NDSM).



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) states, the National Defense Service Medal is awarded for honorable service for any period between (dates inclusive):

- 27 June 1950 and 27 July 1954 (Korea)
- 1 January 1961 and 14 August 1974 (Vietnam)
- 2 August 1990 and 30 November 1995 (Persian Gulf)
- 11 September 2001 to 30 December 2022 (Global War on Terrorism)

3. AR 635-5 (Separation Documents) in effect at the time prescribes the separation documents that will be furnished each individual who is separated from the Army. All available records will be used as a basis for the preparation of DD Form 214.

a. Item 22a; enter all prior service excluding an service shown in item 22a(1). This includes any period of service served in the U.S. Army Reserve or ARNG as a reservist not an active duty during current enlistment.

b. Item 24; enter all decorations, service medals, campaign credits, and badges awarded or authorized.

4. AR 672-5-1 (Decorations, Awards and Honors) in effect at the time states the National Defense Service Medal was awarded for honorable active service for any period between 27 June 1950 and 27 July 1954, both dates inclusive, or after 31 December 1960, and before a terminal date to be announced. For the purpose of this award, the following persons shall not be considered as performing active service:

- Guard and Reserve Forces personnel on short tours of duty to fulfill training obligations under an inactive duty training program
- Any person on temporary active duty to serve on boards, courts, commissions and like organizations
- Any person on active duty for the sole purpose of undergoing a physical examination

5. AR 15-185 (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//