

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 November 2024

DOCKET NUMBER: AR20240001005

APPLICANT REQUESTS:

- correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show in Item 12a (Date Entered Active Duty (AD) This Period), 16 October 1970 instead of 10 January 1979
- in effect, award of the Army Achievement Medal (AAM), Army Commendation Medal (ARCOM), and any awards authorized for his time in service
- copies of all his military records, including hard copies of awards and decorations

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 2A (Personnel Qualification Record, Part I)
- AAM Certificate, 27 January 1989
- ARCOM Certificate, 31 July 1990
- Two-Honorable Discharge Certificates
- Orders Number 123-35, 21 June 1990
- 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 the date entered AD is incorrect on his DD Form 214. The correct date is 16 October 1970. He is also requesting that his DD Form 214 be updated to show any awards that he earned. He is requesting that he be provided with a copy of his military records, to include hard copies of awards and decorations.
3. The applicant's record contains sufficient evidence to support additional awards not shown on his DD Form 214, and will be administratively corrected without Board Action to show award of the:

- Korea Defense Service Medal
- Armed Forces Expeditionary Medal

4. The Board will not consider the applicant's request for copies of his military records, including hard copies of awards and decorations. Army Regulation 15-185 (Army Board for Correction of Military Records) 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. In appropriate cases, it directs or recommends correction of military records to remove an error or injustice. In this case, there is no evidence that the applicant submitted a request to the National Personnel Records Center (NPRC), which is the appropriate agency for this action. Therefore, this portion of his request will not be considered in this Record of Proceedings.

5. The Board will consider the applicant's request for:

- correction of his DD Form 214 to show in Item 12a (Date Entered AD This Period) 16 October 1970 instead of 10 January 1979
- award of the AAM and the ARCOM

6. The applicant provides the following documents:

a. A copy of his Personnel Qualification Record, which shows his Basic Active Service Date (BASD) as 16 October 1970.

b. A copy of his AAM certificate, awarded on 27 January 1989, for meritorious achievement during U.S. Army South Top Gun Night fire Competition. No order number is listed on this document.

c. A copy of his ARCOM certificate awarded on 31 July 1990 for distinguishing himself by meritorious service in a variety of communications-electronics oriented assignments as an electronics systems noncommissioned officer (NCO). This document does not include an order number.

d. A copy of an honorable discharge certificate indicating his discharge on 9 January 1979.

e. A copy of an honorable discharge certificate indicating his discharge on 5 November 1984.

f. Orders Number 123-35, issued on 21 June 1990, which shows he was released from active duty, and on the date following placed on the retired list, effective 31 October 1990.

7. A review of the applicant's service record shows:

a. DD Form 4 (Enlistment or Reenlistment Agreement – Armed Forces of the United States), which shows he reenlisted in the Regular Army on 10 January 1979. Item 9a (Total Active Military Service) shows 8 years, 2 months, and 24 days.

b. His DA Form 2-1 (Personnel Qualification Record) contains the following information:

- Item 9 (Awards, Decorations and Campaigns): does not list award of the AAM or ARCOM
- Item 20 (Basic Enlisted Service Date): 16 October 1970
- Item 35 (Record of Assignments) shows he served and was assigned to the following overseas assignments:
 - 13 September 1977 – 29 September 1979, Headquarters and Headquarters Company (HHC), 501st Military Intelligence Group – Korea and 146th Aviation Company - Korea
 - 5 December 1980 – 30 November 1982, 329th Army Security Agency Battalion, 2nd Infantry Division and 520th Maintenance Company, Korea
 - 14 November 1985 – 18 February 1990, HHC 193rd Support Battalion, Fort Clayton, Panama and 154th Signal Battalion, Fort Clayton, Panama

c. He was honorably discharged from active duty on 31 October 1990. His DD Form 214 shows he completed 11 years 9 months, and 3 days of active service during this period. It also shows in:

- Item 12d (Total Prior Active Service): 8 years, 2 months, and 24 days
- Item 13 (Decorations, Medals, Badges, Citation and Campaign Ribbons Awarded or Authorized):
 - Army Good Conduct Medal (5th award)
 - National Defense Service Medal
 - NCO Professional Development Ribbon
 - Army Service Ribbon
 - Overseas Service Ribbon (4)
 - German Army Military Effectiveness Badge in Bronze

8. Army Regulation 600-8-22 (Military Awards) states 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.

9. Army Regulation 600-8-22 (Military Awards) states the Armed Forces Expeditionary Medal is awarded for qualifying service after 1 July 1958 in U.S. military operations, U.S. operations in direct support of the United Nations, and U.S. operations of assistance for friendly foreign nations. Qualifying service for this award includes participation in Panama in support of Operation Just Cause from 20 December 1989 through 31 January 1990.

10. Army Regulation 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 begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

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 the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The evidence of record shows the applicant reenlisted in the Regular Army on 10 January 1979 with 8 years, 2 months, and 24 days of total active previous service. His record is void of a DD Form 214 for the period 16 October 1970 to 9 January 1979, the date in which he reenlisted. Although his DD Form 214 does capture his prior active duty service in item 12d it does not show his complete reenlistment history. The Board noted the regulation, in effect at the time, was to not prepare a DD Form 214 for enlisted members discharged for immediate reenlistment in the Regular Army; however, determined his record does not accurately reflect his service and granted relief to amend his date entered active duty this period from 10 January 1979 to 16 October 1970 and to remove from item 12d his prior active service.

2. The Board considered the applicant's request for the Army Commendation Medal and Army Achievement Medal. The Board was convinced by a preponderance of the evidence, including the certificates provided by the applicant, to show he was awarded both the Army Commendation Medal and Army Achievement Medal and granted relief to amend his DD Form 214 to add these awards.

3. Prior to closing the discussion, the Board noted and concurred with the administrative notes below.

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:

- amending his DD Form 214, for the period ending 31 October 1990 to show in:
 - item 12a (Date Entered Active This Period): 16 October 1970
 - item 12c (Net Active Service This Period): 20 years and 16 days
 - item 12d (Total Prior Active Service): 00-00-00
 - item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized): adding the Army Commendation Medal and Army Achievement Medal

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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.

ADMINISTRATIVE NOTE(S): A review of the applicant's records show he is authorized an additional award not listed on his DD Form 214. As a result, amend his DD Form 214 to show award of the following:

- Korea Defense Service Medal
- Armed Forces Expeditionary Medal

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) states:

a. 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 area of eligibility (1) encompasses all land area of the Republic of Korea and the contiguous water out to 12 nautical miles and (2) all air spaces above the land and water area. The period of eligibility is 28 July 1954 to a date to be determined by the Secretary of Defense. Service members must have been assigned, attached, or mobilized to units operating in the area of eligibility for 30 consecutive or for 60 nonconsecutive days or meet several criteria including: (1) be engaged in combat during an armed engagement, regardless of the time in the area of eligibility or (2) be wounded or injured in the line of duty and required medical evacuation from the area of eligibility.

b. The Armed Forces Expeditionary Medal is awarded for qualifying service after 1 July 1958 in U.S. military operations, U.S. operations in direct support of the United Nations, and U.S. operations of assistance for friendly foreign nations. Qualifying service for this award includes participation in Panama in support of Operation Just Cause from 20 December 1989 through 31 January 1990.

c. The award of all decorations, except for the Medal of Honor, will be announced in permanent orders by the appropriate awards approval authority before recording information in the Soldier's Army Military Human Resource Record.

3. Army Regulation 635-5 (Personnel Separations – Separation Documents), in effect at the time, stated for item 12a (Date Entered Active Duty This Period) enter the beginning date of the enlistment period or tour of Active Duty for which a DD Form 214 was not issued under paragraph 1-4b (5) (Enlisted members discharged for immediate reenlistment in the Regular Army).

4. Army Regulation 635-8 (Separations Processing and Documents), currently in effect, provides for the preparation and distribution of the DD Form 214. It states for item 18 (Remarks) to Soldiers who have previously reenlisted without being issued a DD Form 214 and are separated with any characterization of service except "Honorable", enter

"Continuous Honorable Active Service from" (first day of service for which DD Form 214 was not issued) Until (date before commencement of current enlistment).

5. Army Regulation 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 begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//