

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 November 2024

DOCKET NUMBER: AR20240002649

APPLICANT REQUESTS: reconsideration of his prior request for amendment of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show:

- foreign service credit for his deployment to Panama
- retained in service (83 days) in support of Operation Desert Storm
- a video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Four (4) Leave and Earnings Statements
- Standard Form 801 (Immunization Record)
- Geneva Convention Identity Card
- Four photos

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20210011597 on 22 October 2021.

2. The applicant states, as a new contention, he deployed to Panama in 1990 and it is not listed on his DD Form 214. He also was retained in the Army in support of Desert Storm which is also not listed on his DD form 214. He served his country and deserved credit. He is in a legal case and his integrity is being questioned by the court because he stated that he served. He has medical records, service cards, and pay stubs to prove his deployment.

3. The applicant provides:

a. Three leave and earning statements for the periods 01-28 February 1990, 01-30 April 1990 and 1-31 May 1990 which shows he was receiving overseas, and danger pay for deployment.

b. One leave and earning statement from 01-28 February 1991 which shows stop loss Desert Storm.

c. Standard Form 801 (Immunization Record) shows the applicant was administered various immunizations.

d. United States of America Department of Defense Geneva Convention Identity Card lists the applicant as a medic.

e. A document with four pictures, in which the applicant contends were taken while in Panama, in the jungle, landing in Panama and leaving Panama.

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

a. The applicant enlisted into the Regular Army on 24 June 1987.

b. DA Form 2-1 (Personnel Qualification Record – Part II) shows the applicant served in Germany from 1 December 1987 to 26 November 1989.

c. Orders Number 000000-012, issued by 3rd Battalion (Mechanized), 6th Infantry Regiment, Fort Polk, Louisiana on 21 March 1990, attached the applicant to Charlie Company 3/6 Infantry Battalion, Fort Polk, Louisiana, effective 21 March 1990 for an indefinite period in support of Operation Promote Liberty.

d. He was honorably released from active duty on 17 May 1991. His DD Form 214 shows he completed 3 years, 10 months, and 24 days of active service with. Block 12f (Foreign Service) lists 1 year, 11 months, and 26 days.

5. On 22 October 2021, the ABCMR rendered a decision in Docket Number AR20210011597. The Board noted the applicant did not state what makes the reference listed in block 18 wrong about his extended 83 days of service under public law during the period. The Board could not determine if the applicant actually deployed by the orders nor determine a start and end date if deployed The applicant is advised to request his leave and earning statements from the period to assist with validating a deployment. The Board determined there is insufficient evidence to grant relief.

6. By regulation (AR 15-185), an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

7. By regulation, (AR 635-5) the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active

duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

a. Item 12f (Foreign Service) will show the total amount of foreign service performed during the period covered by block 12c (Net Active Service This Period).

b. Item 18 (Remarks), for Soldiers who deployed with his or her unit during their continuous period of active service, enter a statement "SERVICE IN (name of country deployed) FROM (inclusive dates for example, YYYYMMDD-YYYYMMDD)."

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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 Board reviewed the applicant's leave and earnings statement and noted the danger pay; however, found no evidence of a location or complete inclusive dates for service. The Board noted the applicant's contention of his service in theater; however, found his contention to be insufficient to award foreign service credit without verification. Therefore, the Board determined there was no error or injustice to support amending his record by granting foreign service credit for a deployment to Panama or showing he was retained in service in support of Operation Desert Storm.

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

:	:	:	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 amendment of the ABCMR decision rendered in Docket Number AR20210011597 on 22 October 2021.

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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. 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.

a. 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.

b. 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.

2. Army Regulation 635-5 (Separation Documents), in effect at the time, states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

a. Item 12f (Foreign Service) states from the Enlisted Record Brief/Officer Record Brief show the total amount of foreign service performed during the period covered by block 12c (Net Active Service This Period).

b. Item 18 (Remarks), states for active-duty Soldiers deployed with his or her unit during their continuous period of active service, enter "SERVICE IN (name of country deployed) FROM (inclusive dates for example, YYYYMMDD-YYYYMMDD)."

//NOTHING FOLLOWS//