

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 October 2024

DOCKET NUMBER: AR20240002783

APPLICANT REQUESTS:

- Correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 1 October 1983 to show award of the Humanitarian Service Medal
- Video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, ending on 1 October 1983

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 that his DD Form 214 does not reflect his award of the Humanitarian Service Medal. He further states that he deployed to Fort Chaffee, Arkansas, during the Cuban Resettlement Operation, and upon returning to Fort Sill he was awarded the Humanitarian Service Medal during a formation along with his fellow Soldiers who he deployed with.
3. A review of the applicant's service record shows:
  - a. He enlisted in the Regular Army on 2 October 1979.
  - b. DA Form 2-1 (Personnel Qualification Record – Part II) shows in:
    - (1) Item 5 (Oversea Service): 24 September 1982 – 13 September 1983; EURA-Germany.

## (2) Item 9 (Awards, Decorations and Campaigns):

- Army Service Ribbon
- Noncommissioned Officer Professional Development Ribbon
- Army Commendation Medal
- Army Good Conduct Medal
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)

## (3) Item 35 (Record of Assignments):

- 30 May 1980; 31J10 – Teletypewriter Repairer – Headquarters and Headquarters Battery, 33rd Field Artillery, Fort Sill, Oklahoma
- 3 September 1982; Casual – Enroute to Germany
- 25 September 1982; 31J10 -- Teletypewriter Rep – 48th Maintenance Company Germany
- 13 September 1983; Casual – Enroute to Continental United States (CONUS)
- 1 October 1983; Relief from Active Duty

c. On 1 October 1983, he was honorably released from active duty under the provisions of Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel), Chapter 4, for completion of required service. He completed 4 years of active service. His DD Form 214 shows in:

## (1) Item 12f (Foreign Service): 11 months and 19 days.

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

- Army Service Ribbon
- Noncommissioned Officer Professional Development Ribbon
- Army Good Conduct Medal
- Army Commendation Medal
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)

4. The applicant's available service record does not contain documentation showing he was authorized the Humanitarian Service Medal.
5. The Department of Defense's list of operations approved for award of the Humanitarian Service Medal includes Cuban refugee resettlement during the period 27 April 1980 through 19 February 1982 in the geographic area "Florida Straits."

**BOARD DISCUSSION:**

1. After reviewing the application, all supporting documents, the evidence found within the military record and the applicable policy, the Board found that relief was not warranted.
2. The Board carefully considered the applicant's contentions and statement, his record of service and assignments, the awards on his DD Form 214 and the Department of Defense list of named operations approved for award of the Humanitarian Service Medal. The applicant states that he was deployed to Fort Chaffee Arkansas during the resettlement operation and received an HSM upon returning to Fort Sill. The DoD list shows that the award of the Humanitarian Service Medal includes Cuban refugee resettlement during the period 27 April 1980 through 19 February 1982 in the geographic area "Florida Straits." The record does not contain, and the applicant did not provide, orders for award of the HSM or evidence to show that he was in the geographic area designated for this award during his period of service. Based on a preponderance of evidence, the Board determined that the absence of an award of the Humanitarian Service Medal in the applicant's records is not in error or unjust. The Board concurs with the correction stated in the Administrative Notes below.
3. 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:**

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>
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:	:	:	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, except for the correction shown in the Administrative Notes that follow, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

6/10/2025

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CHAIRPERSON

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):

1. Reference the enclosed request for correction of military records, correct the applicant's DD Form 214, for the period ending 1 October 1983 by adding the Overseas Service Ribbon.
2. The following documents are sufficient to justify correction of the DD Form 214 without action by the Board.
  - DD Form 214
  - DA Form 2-1 (Personnel Qualification Record – Part II)
3. Correct the applicant's DD Form 214 to add the award shown in paragraph 1 above. Provide the applicant with a copy of the correction and the medal and citation, as applicable. Please record the correction in the applicant's official military personnel record.

**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. AR 600-8-22 (Military Awards) states the Humanitarian Service Medal is awarded to members who, after 1 April 1975, distinguished themselves by meritorious direct participation in a Department of Defense approved significant military act or operation of a humanitarian nature. A service member must be on active duty at the time of direct participation, must have directly participated in the humanitarian act or operation within the designated geographical area of operation and within specified time limits, and must provide evidence that substantiates direct participation.
3. AR 635-5 (Separation Documents) in effect at the time prescribes the separation documents which are prepared for individuals upon retirement, discharge, or release from active duty. Source documents will consist of DA Form 2-1, and any other available records. Item 13; self-explanatory.
4. 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 begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct. 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//