

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 October 2024

DOCKET NUMBER: AR20240002887

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), ending on 31 March 1996, to reflect he was awarded the Armed Forces Expeditionary Medal.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record).

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 in effect, he requests the correction of his DD Form 214 to reflect he was awarded the Armed Forces Expeditionary medal for his service during Uphold Democracy during the period of 16 September 1994 through 31 March 1995. The Armed Forces Expeditionary Medal was awarded but after he retired. During this period, he was also awarded the Joint Services Medal.
3. A review of the applicant's service record shows:
 - a. On 27 November 1973, the applicant enlisted in the Regular Army (RA). Block 49 (Prior Service) of the DD Form 4 (Enlistment Contract – Armed Forces of the United States) shows the applicant's prior service was in the USAR and he had no active Federal service.
 - b. On 26 October 1977, the applicant was honorably released from active duty and assigned to the USAR Control Group (Reinforcement). DD Form 214 (Report of Separation from Active Duty) shows the applicant completed 4-years and 27-days of active service.

c. On 28 August 1979, Orders Number 08-1052907, issued by the Office of the Adjutant General Reserve Components Personnel and Administration Center, the applicant was honorably discharged from the USAR, effective 28 September 1979.

d. On 6 December 1982, the applicant enlisted in the USAR and on 19 April 1983, the applicant was discharged from the USAR to accept an enlistment in the RA.

e. On 19 April 1983, Orders Number 82-11, issued by the Military Entrance Processing Station, the applicant was ordered to active duty for a 3-year active duty commitment.

f. On 11 April 1985, the applicant was honorably released from active duty and assigned to the USAR Control Group (Reinforcement), to accept appointment as a commissioned officer. His DD Form 214 shows the applicant completed 1-year, 11-months, and 23-days of active service.

g. On 12 April 1985, the applicant executed his oath of office and was appointed as a Reserve commissioned officer. He had was ordered to active duty as a 3-year obligated volunteer officer, effective 12 April 1985.

h. The applicant's DA Form 67-8 (Officer Evaluation Report) for the period of service 1 July 1994 through 30 June 1995 shows the applicant was assigned to Tooele Army Depot, Tooele, UT as a Maintenance Officer. His rater rated his performance as always exceeded the requirements. The rater commented the applicant was commended for his outstanding performance of duty while deployed to Haiti as part of the Combined Joint Task Force.

i. On 4 December 1995, Orders Number S227-3, issued by the U.S. Total Army Personnel Command, the applicant was retired from active service and assigned to the USAR Control Group (Retired Reserve) and placed on the retired list, effective 1 April 1996.

j. On 31 March 1996, the applicant was honorably retired for voluntary early retirement. DD Form 214 shows the completed 19-years, 3-months, and 25-days of active service. It also shows in:

- Item 12a (Date Entered Active Duty This Period): 6 December 1976
- Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized):
 - Meritorious Service Medal (2nd Award)
 - Army Commendation Medal (2nd Award)
 - Joint Service Achievement Medal

- Army Achievement Medal
- Army Superior Unit Award
- Army Good Conduct Medal
- National Defense Service Medal (2nd Award)
- Army Service Medal
- Overseas Service Ribbon 3rd Award
- Air Assault Badge

q. The applicant's service record evidence of his deployment and redeployment to Haiti.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Although the applicant's OER for the period of service 1 July 1994 through 30 June 1995 shows the applicant was assigned to Tooele Army Depot, Tooele, UT as a Maintenance Officer as his rater stated that the applicant was commended for his outstanding performance of duty while deployed to Haiti as part of the Combined Joint Task Force, there is insufficient evidence such as an Leave and Earnings Statement (to show hostile fire pay), award recommendation, deployment orders, temporary change of station order, travel voucher, or other evidence that shows the exact dates of arrival in and departure from Haiti. Therefore, his eligibility for this award cannot be established. If the applicant can provide the exact dates of his deployment with supporting documentary evidence, he may apply to this Board for reconsideration.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, 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 correction of the records of the individual concerned.

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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):

1. Reference the enclosed request for correction of military records from the subject individual to correct his:

a. DD Form 214 (Report of Separation from Active Duty) for the period of 29 September 1973 through 26 October 1977, by:

(1). Delete:

- Item 15 (Date Entered Active Duty This Period): 29 September 1973
- Item 18a (Net Active Service This Period): 4-year, 0-months and 27-days
- Item 18d (Prior Inactive Service): 0-years, 0-months and 0-days

(2). Add:

- Item 15: 27 November 1973
- Item 18a: 3-year, 11-months and 0-days
- Item 18d: 0-years, 1-month and 29-days

b. DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period of 19 April 1983 through 11 April 1985, by:

(1). Delete:

- Item 12d (Total Prior Active Service): 4-years, 0-months and 28-days
- Item 12e (Total Prior Inactive Service): 2-years, 3-months and 13-days

(2). Add:

- Item 12d: 3-years, 11-months and -0 days
- Item 12e: 2-years, 5-months and 12-days

c. DD Form 214 for the period of 6 December 1976 through 31 March 1996, by:

(1). Delete:

- Item 12a (Date Entered Active Duty This Period): 6 December 1976
- Item 12c (Net Active Service This Period): 19-years, 3-months and 25-days
- Item 12d: 0-years, 0-months and 0-days
- Item 12e (Total Prior Inactive Service): 0-years, 0-months and 0-days

(2). Add:

- Item 12a: 12 April 1985
- Item 12c: 10-years, 11-months and 20-days
- Item 12d: 5-years, 10-months and 23-days
- Item 12e: 2-years, 5-months and 12-days

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.

- DD Form 214 for service during the period of 29 September 1973 through 26 October 1977
- DD Form 4 (Enlistment Contract – Armed Forces of the United States) dated

29 September 1973

- DD Form 4 dated 27 November 1973
- Office of the Adjutant General Reserve Components Personnel and Administrative Center Orders Number 08-1052907
- DD Form 4 dated 6 December 1982
- Military Entrance Processing Station Orders Number 82-11
- Headquarters (HQs), U.S. Army Infantry Center Orders Number 30-8-A-114
- HQs, U. S. Army Infantry Center Orders Number 077-193
- DD Form 214 (Certificate of Release or Discharge from Active Duty) for service during the period of 19 April 1983 through 11 April 1985
- DD Form 214 for service during the period of 6 December 1976 through 31 March 1996
- Army Regulation 635-8 (Personnel Separations – Separation Processing and Documents)

3. Please correct the applicant's DD Form 214 by deleting/adding the information shown above. Provide the applicant a copy of the corrections. Please ensure that the corrections are recorded 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. Army Regulation (AR) 600-8-22 (Military Awards), implements a part of the Army Awards Program. It prescribes Department of the Army (DA) policy, criteria, and procedures for individual and unit military awards and foreign decorations and badges.

a. Paragraph 2-12 (Armed Forces Expeditionary Medal), may be awarded to service members of the Armed Forces of the United States who:

- Participate or have participated as members of the U.S. military units in a U.S. military operation in which Servicemembers of any military department participate, in the opinion of the Joint Chiefs of Staff, in significant numbers
- Encounter during such participation foreign armed opposition, or are otherwise placed, or have been placed, in such position that, in the opinion of the Joint Chiefs of Staff, hostile action by foreign armed forces was imminent even though it did not materialize

The Armed Forces Expeditionary Medal may be authorized for the categories of operations listed below. Specific operations approved by the Department of Defense for award of the Armed Forces Expeditionary Medal are listed in paragraph C-5:

- U.S. military operations
- U.S. operations in direct support of the United Nations (UN)
- U.S. operations of assistance for friendly foreign nations

Servicemembers must have been permanently assigned, attached, or detailed to a unit that participated in or was engaged in direct support of designated operations for 30 consecutive days or for 60 non-consecutive days in the Area of Eligibility (AOE) or meet one of the following criteria, regardless of time spent in the AOE:

- was engaged in actual combat or duty that is equally hazardous as combat duty with armed opposition
- while participating in a designated operation was killed or was wounded or injured requiring medical evacuation from the AOE
- accumulates required days service (consecutive or nonconsecutive) while participating as a regularly assigned air crewmember of an aircraft flying sorties into, out of, within, or over the area in direct support of the military operation

b. Appendix C (Department of Defense Awards and Decorations Procedures), C-5 (Armed Forces Expeditionary Medal), the Armed Forces Expeditionary Medal may be authorized for the categories of operations listed in tables C-3, C-4, and C-5. Table C-3 (Armed Forces Expeditionary Medal) shows Haiti-Operations Uphold Democracy during the period of 16 September 1994 through 31 March 1995 is authorized for awarding of the Armed Forces Expeditionary Medal.

//NOTHING FOLLOWS//