

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 November 2024

DOCKET NUMBER: AR20240003301

APPLICANT REQUESTS:

- campaign participation credit for Vietnam and the Persian Gulf
- award of the Armed Forces Service Medal
- 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)
- Department of Veteran Affairs (VA) Benefits Decision Letter, 21 December 2021
- DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 31 October 1992

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 he is requesting award of the Armed Forces Service Medal based on his active duty service starting 31 August 1972, during the Vietnam Era continuing through to the Persian Gulf. The applicant requests this correction so he can claim protected veteran status under the Vietnam Era Veteran's Readjustment Assistance Act of 1974.
3. The applicant provides his VA Benefits Decision Letter, dated 21 December 2021, which shows a summary of his service-connected disability ratings.
4. A review of the applicant's service record shows:
 - a. He enlisted in the U.S. Army Reserve (USAR) on 31 August 1972.

b. His DA Form 2 (Personnel Qualification Record) shows he served in Panama from 23 September 1975 to 19 September 1978 and Germany from 26 September 1984 to 21 August 1987.

c. On 31 October 1992, he was honorably retired from active duty. His DD Form 214 shows he completed 20 years and 10 days of active service. It also shows he was awarded or authorized:

- Meritorious Service Medal
- Army Commendation Medal two oak leaf clusters
- Army Achievement Medal 1 oak leaf cluster
- Army Good Conduct Medal (6th award)
- National Defense Service Medal with bronze star
- NCO Professional Development Ribbon (3)
- Army Service Ribbon
- Overseas Service Ribbon (2)

5. By regulation,

a. When establishing campaign participation credit army units will be deemed to have participated in combat, if they actually engaged the enemy in combat, if they were deployed in a designated combat zone, or if they performed duties either in the air or on the ground in any part of the combat zone at any time during the designated period of the respective battle, campaign, or expedition.

b. Armed Forces Service Medal may be awarded to members of the Armed Forces of the United States for operations for which no other U.S. campaign or service medal is approved and who, after 1 June 1992 participate or have participated as members of U.S. military units in a U.S. military operation deemed to be a significant activity and encounter no foreign armed opposition or imminent threat of hostile action. Service members must be bona fide members of a unit participating in or engaged in direct support of the operation for 30 consecutive days in the area of eligibility (or for the full period when an operation is of less than 30 days' duration) or 60 nonconsecutive days provided this support involves entering the area of eligibility.

BOARD DISCUSSION:

1. The Board determined 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.

2. 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

a. Campaign Credit: Deny. In order to receive campaign credit, the Soldier must serve in/deploy to the combat zone during the designated period of the respective battle, campaign, or expedition. The Board found no evidence the applicant served in Vietnam or deployed to Southwest Asia.

b. Armed Forces Service Medal: Deny. The applicant does not specify which specific operation or particular mission or unit participation qualified him for this award. There is no evidence the applicant was a member of a unit participating in or engaged in direct support of the operation for 30 consecutive days in the area of eligibility or 60 nonconsecutive days provided this support involves entering the area of eligibility.

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 addition to 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):

A review of the applicant's service records show he is authorized additional campaign credit not annotated on his DD Form 214. As a result, amend his DD Form 214 to show the Marksman Marksmanship Qualification Badge with Rifle Bar (M-16).

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 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.

3. Army Regulation 600-8-22 (Military Awards) when establishing campaign participation credit army units will be deemed to have participated in combat if they actually engaged the enemy in combat, if they were deployed in a designated combat zone, or if they performed duties either in the air or on the ground in any part of the combat zone at any time during the designated period of the respective battle, campaign, or expedition.

4. Army Regulation 600-8-22 (Military Awards) states the Armed Forces Service Medal may be awarded to members of the Armed Forces of the United States for operations for which no other U.S. campaign or service medal is approved and who, after 1 June 1992 participate or have participated as members of U.S. military units in a U.S. military operation deemed to be a significant activity and encounter no foreign armed opposition or imminent threat of hostile action. Service members must be bona fide members of a

unit participating in or engaged in direct support of the operation for 30 consecutive days in the area of eligibility (or for the full period when an operation is of less than 30 days' duration) or 60 nonconsecutive days provided this support involves entering the area of eligibility.

5. Army Regulation 600-8-22 (Military Awards) sets forth requirements for award of basic marksmanship qualification badges. The qualification badge is awarded to indicate the degree – Expert, Sharpshooter, and Marksman -- in which an individual has qualified in a prescribed record course. An appropriate bar is furnished to denote each weapon with which the individual has qualified.

//NOTHING FOLLOWS//