

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 October 2024

DOCKET NUMBER: AR20240003377

APPLICANT REQUESTS:

- correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his deployment to Bosnia-Herzegovina from July 1997 to July 1998.
- personal appearance hearing before the Board via video or telephone.

APPLICANT'S SUPPORTING DOCUMENT 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, 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 enlisted in the Regular Army on 6 September 1989. He served in military occupational specialty 63W (Wheeled Vehicle Repairer).
3. His DA Form 2-1 (Personnel Qualification Record - Part II) shows he was assigned to Germany from 15 March 1990 to 21 June 1993, a period of 39 months (3 years, 3 months, and 7 days).
4. His DA Form 2166-7 (Noncommissioned Officer (NCO) Evaluation Report) for the rated period September 1997 to August 1998 includes entries showing the applicant areas of special emphasis include "Preparation for deployment to Bosnia; Providing support during Operation Joint Guard; Preparation and redeployment back to Ft Polk, LA." This form also notes the applicant was, "deployed in a hazardous duty area under less than ideal conditions."

5. He was honorably discharged on 13 January 2000. He completed 10 years, 4 months, and 8 days of net active service. He was awarded or authorized, in part, the North Atlantic Treaty Organization Medal.

- Item 12f (Foreign Service) of the DD Form 214 he was issued shows he performed 3 years, 3 months, and 7 days of foreign service
- Item 18 (Remarks) does not contain an entry which describes his deployed foreign service in Bosnia

6. During the processing of this case, the Defense Finance and Accounting Service (DFAS) reviewed his Master Military Pay Account which shows he performed foreign duty and received hostile fire pay/imminent danger pay for service in Bosnia-Herzegovina from 9 October 1997 to 2 July 1998.

a. Note: DFAS only verifies receipt of hostile fire/imminent danger pay. DFAS does not verify inclusive dates of deployed service or deployment locations beyond the first qualifying country (e.g., Kuwait versus Iraq).

b. Note: DFAS pay records are not considered "source documents," but may be considered as supporting documents leading to a preponderance of the evidence. A second source document is required.

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 warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant's NCOER shows he deployed to Bosnia-Herzegovina. The applicant was also awarded the NATO Medal, Armed Forces Expeditionary Medal, and Armed Forces Service Medal, presumably for this deployment. DFAS verified the applicant received hostile fire pay/imminent danger pay for service in Bosnia-Herzegovina from 9 October 1997 to 2 July 1998. Therefore, the Board determined there is sufficient evidence to list this deployment on the applicant's DD Form 214.

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 partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by adding to Block 18 of his DD Form 214 the entry "Service in Bosnia-Herzegovina from 9 October to 1997 to 2 July 1998.

10/31/2024

X

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.

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 635-5 (Separation Documents), then in effect, established standardized policy for preparing and distributing the DD Form 214.

a. For item 12f, enter the total amount of foreign service completed during the period covered by the DD Form 214.

b. For item 18, enter the statement "SERVICE IN (name of country deployed) FROM (inclusive dates for example, YYYYMMDD-YYYYMMDD)" for an active duty Soldier deployed with their unit during their continuous period of active service.

3. Army Regulation 15-185 prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. 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. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//