

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 December 2024

DOCKET NUMBER: AR20240004752

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 1 February 1990 to show his foreign service in Panama.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552).

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 was not credited for foreign service in Panama in 1989 while assigned to the 5th Infantry Division at Fort Polk, LA.
3. Following prior enlisted service in the Army National Guard, he enlisted in the Regular Army on 27 January 1987.
4. His DA Form 2-1 (Personnel Qualification Record – Part II) shows in:
 - a. item 5 (Oversea Service), no entries;
 - b. item 9 (Awards and Decorations), he was awarded or authorized the:
 - Army Service Ribbon
 - Army Good Conduct Medal (1st Award)
 - Army Achievement Medal
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
 - Sharpshooter Marksmanship Qualification Badge with Grenade Bar
 - c. item 35 (Record of Assignments), no Regular Army assignments.

5. He was honorably released from active duty on 1 February 1990. He completed 3 years and 5 days of net active service during this period. Item 12f (Foreign Service) of his DD Form 214 does not show he completed any foreign service.

6. His military records are void of orders/other documents showing service in Panama.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board found that relief was not warranted. The applicant's contentions, his military records, and regulatory guidance were carefully considered. The applicant's record does not contain, and the applicant does not provide evidence of deployment to Panama. If the applicant has such evidence (such as deployment orders, temporary duty orders, manifest, awards or certificates reflective of deployments) he may reapply 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:

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.

12/20/2024



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 15-185 (Army Board for Correction of Military Records) prescribes policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. Board members will review all applications that are properly before them to determine the existence of an error or injustice and direct or recommend changes in military records to correct the error or injustice, if persuaded that material error or injustice exists and that sufficient evidence exists in the record. 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.
3. Army Regulation 635-5 (Separation Documents), effective 15 August 1979 and in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for preparation of the DD Form 214. The detailed instructions for item 12f stated to enter the total amount of foreign service completed during the period covered in item 12c (Net Active Service This Period).

//NOTHING FOLLOWS//