

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 December 2024

DOCKET NUMBER: AR20240005756

APPLICANT REQUESTS: correction of his DD Form 214, Certificate of Release or Discharge from Active Duty, to show he was awarded the –

- Armed Forces Expeditionary Medal (AFEM)
- Korea Defense Service Medal (KDSM)

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

- DD Form 149, Application for Correction of Military Record
- applicant's statement, 26 February 2024
- email from National Archives and Records Administration (NARA), 13 February 2024
- letters, National Personnel Records Center (NPRC), 8 February 2023 and 13 February 2024
- National Archives (NA) Form 13038 (Certification of Military Service), 8 February 2024
- DD Forms 214 (Certificate of Release or Discharge from Active Duty), ending 29 June 1995
- Orders D-12-981583, U.S. Army Reserve Personnel Command, St. Louis, MO, 14 December 1999
- Leave and Earning Statements (LES), from September 1993 through June 1995
- Soldier Management System printout of assignments
- Combined Federal Regulation (CFR) extract

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, in effect, he has been trying to join his local Veterans of Foreign Wars (VFW) association as a full member. To do so he needs to have his military

records show the awards he earned. He requests that his DD Form 214 be corrected to add the KDSM and the AFEM.

a. He served in Korea with Company D, 1st Battalion, 503rd Infantry Regiment from 25 August 1993 to 25 August 1994.

b. He deployed and served with K Troop, 3rd Squadron, 2nd Armored Cavalry Regiment between January 1995 and April/May 1995. He is not sure of the exact dates. His LES shows that he received imminent danger pay from 19 January 1995 to 11 April 1995 while participating in Operation Uphold Democracy in Haiti.

c. He understands that he needs to provide his assignment orders to be able to prove he was eligible for these missing awards. Unfortunately, all his attempts to obtain his official military personnel file from the National Personnel Records Center (National Archives), and the U.S. Army Human Resources Command have been unsuccessful. Each time they have responded with only partial information and never copies of his assignment orders.

3. The applicant enlisted in the Regular Army on 24 March 1992, and he held military occupational specialty 11H, heavy anti-armor weapons infantryman.

4. The applicant's available record is void of any foreign service. However, he provides LES's ranging in date from September 1993 through June 1995, which show -

a. he received cost of living overseas (COLA) pay and hazardous duty pay for Korea from on or about 28 August 1993 to on about 24 August 1994.

b. he received hostile fire/foreign duty pay imminent danger pay from on or about 1 January 1995 to on or about 30 April 1995. However, the duty location for which this pay was received, is not noted.

5. He was honorably released from active duty on 29 June 1995. His DD Form 214 shows in:

- Block 12h (Foreign Service) he completed 1 year of foreign service, but does not list the location
- Block 13, Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) . Army Achievement Medal, Army Lapel Button, Army Good Conduct Medal, National Defense Service Medal, and Army Service Ribbon
- Block 18 (Remarks) there is no entry noting deployments

6. The applicant also provides:

a. An SMS printout which contains handwritten notes indicating when he was assigned to Korea and deployed to Haiti.

b. A CFR extract which provides the eligibility criteria for award of the AFEM.

7. A member of a uniformed service may be paid special pay per month for any month in which he/she was entitled to basic pay. A member is entitled to Imminent Danger Pay (IDP) when assigned to a designated IDP area. Haiti between 23 November 1994 and 31 May 2014 is listed in the Department of Defense Financial Management Regulation, Volume 7A, Chapter 10. The commander determines Hostile Fire Pay based on whether a member is:

- subject to hostile fire or mine explosions
- in an area near hostile fire or mine explosions which endanger the member
- killed, injured, or wounded by hostile fire, mines, or any hostile action

8. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

BOARD DISCUSSION:

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.

a. Korea Defense Service Medal: Grant. Although the applicant's service records do not reflect his service in Korea, he provides LES ranging in date from September 1993 through June 1995, which show he received cost of living overseas (COLA) pay and hazardous duty pay for Korea from on or about 28 August 1993 to on about 24 August 1994. The Board determined this is sufficient evidence to support his service in Korea and eligibility for award of the Korea Defense Service Medal.

b. Armed Forces Expeditionary Medal: Grant. This award is awarded for qualifying service after 1 July 1958 in U.S. military operations, U.S. operations in direct support of the United Nations, and U.S. operations of assistance for friendly foreign nations. Qualifying service for this award includes participation in Operation Uphold Democracy in Haiti during the period 16 September 1994 through 31 March 1995. The applicant's LES show he received hostile fire/foreign duty pay imminent danger pay from on or about 1 January 1995 to on or about 30 April 1995. Although the duty location for which this pay was received, is not noted, the Board determined it is reasonable to believe this

service was in fact in Haiti, and thus there is sufficient evidence to support his service in Haiti and eligibility for award of the Armed Forces Expeditionary Medal.

BOARD VOTE:

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| █ | █ | █ | 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 relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending his DD Form 214 as follows:

- Block 13, add the Korea Defense Service Medal and Armed Forces Expeditionary Medal
- Block 18, add Service in Haiti from 1 January 1995 to 30 April 1995

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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.

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 (AR) 600-8-22, Military Awards, states:

a. The Armed Forces Expeditionary Medal is awarded for qualifying service after 1 July 1958 in U.S. military operations, U.S. operations in direct support of the United Nations, and U.S. operations of assistance for friendly foreign nations. Qualifying service for this award includes participation in Operation Uphold Democracy in Haiti during the period 16 September 1994 through 31 March 1995.

b. The Korea Defense Service Medal is authorized for award to members of the Armed Forces of the United States who have served on active duty in support of the defense of the Republic of Korea. The period of eligibility is 28 July 1954 to a date to be determined by the Secretary of Defense.

3. The official Military Compensation websites states that a member of a uniformed service may be paid special pay per month for any month in which he/she was entitled to basic pay. A member is entitled to Imminent Danger Pay (IDP) when assigned to a designated IDP area. Haiti between 23 November 1994 and 31 May 2014 is listed in the Department of Defense Financial management Regulation, Volume 7A, Chapter 10. The commander determines Hostile Fire Pay based on whether a member is:

- subject to hostile fire or mine explosions
- in an area near hostile fire or mine explosions which endanger the member
- killed, injured, or wounded by hostile fire, mines, or any hostile action

4. AR 15-185, Boards, Committees, and Commissions-Army Board for Correction of Military Records, 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. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//