

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 February 2025

DOCKET NUMBER: AR20240007030

APPLICANT REQUESTS:

- Award of the Korea Defense Service Medal
- Correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his rank/grade as private first class (PFC)/E-3

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4187 (Personnel Action)
- DD Form 214

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's requested relief for the award of the Korea Defense Service Medal is supported by sufficient evidence; as a result, this portion of the requested relief will be addressed in the "ADMINISTRATIVE NOTE(S)" section and will not be considered by the Board.
3. The applicant states he would like his pay grade corrected so that it shows he held the rank of PFC at his separation; in support of his request, he submits a DA Form 4187, which announces that promotion, effective 3 November 1989.
4. A review of the applicant's service record shows the following:
 - a. On 3 November 1988, the applicant enlisted into the Regular Army for 2 years; upon completion of initial training and the award of military occupational specialty 91A (Medical Specialist), orders assigned him to Korea. He arrived in country, on 4 May

1989, and, effective 10 May 1989, orders further assigned him to the 2nd Infantry Division. On 3 November 1989, the applicant's leadership promoted him to PFC.

b. On 4 September 1990, the applicant's supporting personnel service company (PSC) issued orders directing his reassignment to the U.S. Army Transition Point in Presidio of San Francisco, CA; his reporting date was 31 October 1990 and the order listed his rank as PFC. On 6 November 1990, the PSC issued an endorsement that changed the applicant's release from active duty date to 5 November 1990, and the endorsement showed his rank as private (PV2)/E-2.

c. On 5 November 1990, the Army honorably released him from active duty and transferred him to the U.S. Army Reserve. The applicant's available service record is missing his DD Form 214, but the copy he provides shows the following:

- Items 4a (Grade, Rate, or Rank) and 4b (Pay Grade) – PV2/E-2
- Item 8a (Last Duty Assignment and Major Command) – 2nd Engineer Battalion, Eighth U.S. Army
- Item 12c (Record of Service – Net Active Service This Period) – 2 years and 3 days
- Item 12f (Foreign Service) – 1 year, 4 months, and 24 days (i.e., 4 May 1989 to 27 September 1990)
- Item 12h (Effective Date of Pay Grade) – 27 August 1990
- Item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) – Army Achievement Medal (1st Award), Army Service Ribbon, Overseas Service Ribbon, Army Lapel Button, and two marksmanship qualification badges

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military record, the Board acknowledged the DA Form 4187 submitted by the applicant which shows his promotion to PFC, effective 3 November 1989. The Board determined based on the applicant's official service record corroborating his promotion, as well as subsequent personnel orders dated 4 September 1990 listing his rank as PFC in preparation for transition from active duty.

2. Although a later administrative endorsement dated 6 November 1990 erroneously listed his rank as Private (PV2)/E-2, there is no evidence of disciplinary action, reduction orders, or other documentation to support a demotion. The applicant's DD Form 214,

which he provided, reflects PV2/E-2 in items 4a and 4b, inconsistent with the documented promotion and reassignment orders. The Board agreed in the absence of any substantiating record of reduction in grade, and in light of the promotion documentation and personnel orders, there is sufficient evidence to support the applicant's claim. Therefore, the Board granted relief for correction of the applicant's DD Form 214 to show his rank and pay grade at the time of separation as Private First Class (PFC)/E-3.

2. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XXX	XXX	XXX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

In addition to the administrative notes annotated by the Analyst of Record (below the signature), the Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending his DD Form 214 as follows: correct items 4a (Grade, Rate or Rank) and 4b (Pay Grade) to show his rank/grade as specialist (PFC)/E-3.

X //SIGNED//

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.

ADMINISTRATIVE NOTE(S):

The applicant's service record shows he served in Korea, from 4 May 1989 to on or about 27 September 1990. Per Army Regulation (AR) 600-8-22 (Military Awards), currently in effect, Soldiers assigned to units operating in Korea, on or after 28 July 1954 and for a period of 30 or more consecutive days, are authorized the Korea Defense Service Medal. As such, amend the applicant's DD Form 214 by adding this award.

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) 635-5 (Separation Documents), in effect at the time, stated, for items 4a (Grade, Rate, or Rank) and 4b (Pay Grade), the DD Form 214 preparer was to enter the active-duty rank and pay grade held by the Soldier at his/her separation.
3. AR 15-185 (Army Board for Correction of Military Records (ABCMR)), currently in effect, states:
 - a. Paragraph 2-2 (ABCMR Functions). The ABCMR decides cases on the evidence of record; it is not an investigative body.
 - b Paragraph 2-9 (Burden of Proof) states:
 - (1) The ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).
 - (2) The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

//NOTHING FOLLOWS//