

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 September 2025

DOCKET NUMBER: AR20240012332

APPLICANT REQUESTS:

- upgrade of his general, under honorable conditions discharge to honorable
- foreign service credit for time served in Korea
- award of the Korea Defense Service Medal
- Copy of his DD Form 214 for service period from 13 October 1971 to 1 November 1974

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

- DD Form 149 (Application for Correction of Military Record)
- Letter Order Numbers 10-1328831 dated 23 October 1974

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 wants all medals and citations he may be entitled to and credit for his service in Korea. He also would like an upgrade of his characterization of discharge and issuance of a DD Form 214 for his service in the U.S. Army Reserves. He did not know he had to go through this process to receive his documents.
3. The applicant provides Letter Order Numbers 10-1328831 dated 23 October 1974 that show he was discharged from the U.S. Army Reserves Control Group effective on 1 November 1974 due to expiration term of service with a general characterization of service.
4. A review of the applicant's service record shows:
 - a. He was inducted into the Army of the United States on 13 November 1968.

b. His DA Form 20 (Enlisted Qualification Record) shows in:

- Item 31 (Foreign Service): "no entries"
- Item 38 shows that he received all "unsatisfactory" conduct and efficiency ratings.
- Item 41 (Awards and Decorations) shows no indication of award of Korea Defense Service Medal

c. His DA Form 20B (Insert Sheet to DA Form 20) Record of court-martial shows in item 49, court-martial charges were preferred against the applicant on an unknown date for one specification for being absent without leave from 10 September 1969 to on or about 12 October 1969. His sentence was restriction for 2 months.

d. Special Orders 83 dated 11 April 1969 show the applicant received permanent change of station orders to report to Korea with travel on or about 11 April 1969 with a date eligible for return from overseas of May 1970.

e. The applicant accepted non-judicial punishment, under the provisions of Article 15 of the Uniform Code of Military Justice (UCMJ), on 9 May 1969 for without authority leave his appointed place of duty on or about 29 May 1969.

f. The applicant requested a foreign service tour extension for Korea on or about 1 July 1969. The request was approved on 8 July 1969 and his new date of estimated return from overseas was 20 June 1970.

g. On 1 December 1969, he was convicted by a special court-martial for one specification of being duly restricted to the limits of the special processing detachment at Fort George G. Meade, Maryland, on or about 10 November and break said restriction. His sentence was restriction to the limits of the unit for one month.

h. Special Orders 155 dated 4 June 1970 show the applicant received permanent change of station orders from Korea to the transition point for separation processing with a reporting date of 21 June 1970 due to his expiration term of service (ETS) on 20 November 1970.

i. On 4 September 1970, he was convicted by a summary court-martial for two specifications of being absent without leave from on or about 6 July 1970 to on or about 31 July 1970 and from on or about 0620 hours 10 August 1970 to on or about 1730 hours 30 August 1970.

j. On 8 September 1970, the convening authority approved so much of the sentence as provides for reduction to private, E-1. The record of trial was forwarded to the Judge

Advocate General of the Army for appellate review. The appellate review is void from the applicant records.

k. A DA Form 2496 (Disposition Form) dated 24 March 1971 show the applicant requested an early discharge due to financial hardship of his wife/ family. The discharge request was thoroughly considered and determined that the justification presented did not meet the minimum criteria for release from active duty and was denied.

l. On 12 October 1971, he was discharged from active duty with a general, under honorable conditions discharge characterization of service. His DD Form 214 shows he completed 2 years, and 13 days of active service with 79 days of lost time under Title 10 USC 97 prior to normal ETS from 10 September 1969 to 2 November 1969 and from 6 July 1970 to -30 July 1970. It also shows in Item 12f (Foreign Service) "no entries." He was awarded or authorize the National Defense Service Medal.

5. His record does not contain orders awarding him the Korea Defense Service Medal.

6. There is no indication the applicant applied to the Army Discharge Review Board for review of his discharge within that board's 15-year statute of limitations.

7. In reaching its determination, the Board can consider the applicants petition and his service record in accordance with the published equity, injustice, or clemency determination guidance.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy, and regulation.

a. Upgrade of his general, under honorable conditions discharge to honorable; The Board concurred that in the absence of his separation packet, there is insufficient evidence to demonstrate the characterization of service the applicant received upon separation was improper and/or inequitable based on his pattern of misconduct. Therefore, the Board determined his characterization of service was not in error.

b. Foreign service credit for time served in Korea; The applicant's service record shows he was ordered to Korea with a report date of on or about 11 April 1969 with a date of estimated return from overseas of on or about 9 May 1970. He requested a foreign service tour extension which was approved on 1 July 1969 which changed his date of estimated return from overseas to 20 June 1970. The Board determined relief was warranted.

c. Award of the Korea Defense Service Medal; Grant: The applicant's record shows he was ordered on a permanent change of station to Korea on or about 11 April 1969 and served in Korea until on or about 20 June 1970. Therefore, the Board determined relief was warranted.

d. Copy of his DD Form 214 for service period from 13 October 1971 to 1 November 1974; The Board noted it is not a records custodian and does not house records. The applicant is directed to request a copy of his DD Form 214 from the National Personnel Records Center. Therefore, the Board denied relief.

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that the applicant's DD Form 214, ending on 12 October 1971 be amended by showing:

- Item 22c (Foreign and/or Sea Service) (USARPAC) 1 year, 2 months, and 9 days
- Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) Korea Defense Service Medal

2. The evidence presented does not demonstrate the existence of a probable error or injustice as it pertains to the upgrade of his general, under honorable conditions discharge to honorable and requesting a copy of his DD Form 214. Therefore, the Board determined the overall merits of this portion of the case are insufficient as a basis for correction of the records of the individual concerned.

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.

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 635-200 (Personnel Separations – Active Duty Enlisted Administrative Separations) sets forth the basic authority for the separation of enlisted personnel.

a. Paragraph 3-7a provides that an honorable discharge is a separation with honor and entitles the recipient to benefits provided by law. The honorable characterization is appropriate when the quality of the member's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

b. Paragraph 3-7b states a general discharge is a separation from the Army under honorable conditions. When authorized, it is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge

3. Army Regulation 600-8-22 (Military Awards) provides policy, criteria, and administrative instructions concerning individual military decorations, Army Good Conduct Medal, service medals, and ribbons. Paragraph 2-20 (Korea Defense Service Medal) The KDSM was authorized by Section 543, National Defense Authorization Act, 2003. It 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.

4. Army Regulation 635-8 (Separation Processing and Documents), in effect at the time, states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active-duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. For Block 12f (Foreign Service), enter the total amount of service performed outside the continental United States (OCONUS) during the period covered in block 12c to include deployments. Additionally, list periods of deployed service in block 18 (Remarks).

//NOTHING FOLLOWS//