

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 December 2023

DOCKET NUMBER: AR20230006112

APPLICANT REQUESTS: correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show the addition of:

- Southwest Asia Service Medal
- Kuwait Liberation Medal

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

- DD Form 149 (Application for Correction of Military Record)
- 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 states she is requesting the Liberation of Kuwait and Southwest Asia Service Medal be added to her DD Form 214. She believes she meets the requirements to have the medals added to her DD Form 214 and adding the medal will allow her to have access to further Department of Veterans Affairs (VA) benefits.
3. The applicant enlisted in the Regular Army on 3 September 1991. She was honorably released from active duty on 2 February 1995 and transferred to the Standby Reserve. She was credited 1 year, 11 months, and 22 days foreign service, for her service in Germany.
4. The applicant reenlisted in the Regular Army on 2 May 1995. She was discharged under honorable conditions on 16 August 1996. Her DD Form 214 does not show she was credited any days of foreign service.

5. The Gulf War/Operations Desert Shield/Desert Storm Data Base Roster, compiled by Defense Manpower Data Center, August 1990-December 1997, shows the applicant’s name with service dates of 1 September 1995 to 30 November 1995.

6. On 7 December 2023, the ABCMR requested the Defense Finance and Accounting Service (DFAS) provide copies of the applicant’s leave and earning statements (LES) for the period of service from August 1995 through December 1995. DFAS provided the requested information showing the applicant was deployed to Kuwait from 22 August 1995 to 3 November 1995.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found partial relief is warranted.
2. The Board concurred with the corrections described in Administrative Note(s) below.
3. The Board noted the applicant’s service in Kuwait was outside the period of eligibility for the Kuwait Liberation Medal. The Board determined she is not authorized this medal.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
■	■	■	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 partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected as shown in Administrative Note(s) below.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to the Kuwait Liberation Medal.

2/15/2024

X [REDACTED]

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CHAIRPERSON  
[REDACTED]

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):

Enough evidence exists to correct the applicant's DD Form 214 for the period ending 16 August 1996 as follows:

- Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized): ADD - Southwest Asia Service Medal
- Item 18 (Remarks): ADD - Service in Kuwait from 22 August 1995 to 3 November 1995

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) prescribes Department of the Army (DA) policy, criteria, and administrative instructions concerning individual and unit military awards.

a. Paragraph 2-15 (Southwest Asia Service Medal)

(1) The SWASM was established by EO 12754, 12 March 1991, as amended by EO 12790, 3 March 1992. It is awarded to all Servicemembers of the Armed Forces of the United States serving in SWA and contiguous waters or airspace there over, on or after 2 August 1990 to 30 November 1995. SWA and contiguous waters, as used herein, is defined as an area which includes the Persian Gulf, Red Sea, Gulf of Oman, Gulf of Aden, that portion of the Arabian Sea that lies north of 10 degrees north latitude and west of 68 degrees east longitude, as well as the total land areas of Iraq, Kuwait, Saudi Arabia, Oman, Bahrain, Qatar, and United Arab Emirates.

(2) Servicemembers of the Armed Forces of the United States serving in Israel, Egypt, Turkey, Syria, and Jordan (including the airspace and territorial waters) between 17 January 1991 and 30 November 1995, will also be eligible for this award. Servicemembers serving in these countries must have been under the command and control of the U.S. Central Command or directly supporting military operations in the combat theater.

(3) To be eligible, a Servicemember must meet one or more of the following criteria:

(a) Be attached to or regularly serving for 1 or more days with an organization participating in ground or shore (military) operations.

(b) Be attached to or regularly serving for 1 or more days aboard a U.S. naval vessel directly supporting military operations.

(c) Be actually participating as a crewmember in one or more aerial flights directly supporting military operations in the areas designated above.

(d) Be serving on TDY for 30 consecutive days or 60 nonconsecutive days. These time limitations may be waived for people participating in actual combat operations.

b. Paragraph 9-15 (Kuwait Liberation Medal-Saudi Arabia) The KLM-SA is awarded by the Government of Saudi Arabia to Servicemembers of the Armed Forces of the United States and authorized by DOD on 3 January 1992.

(1) It is awarded to Servicemembers of the Armed Forces of the United States who participated in Operation DESERT STORM between 17 January 1991 and 28 February 1991 in one or more of the following areas: Persian Gulf; Red Sea; Gulf of Oman; that portion of the Arabian Sea that lies north of 10 degree north latitude and

west of 68 degree east longitude; the Gulf of Aden; or the total land areas of Iraq, Kuwait, Saudi Arabia, Oman, Bahrain, Qatar, and the United Arab Emirates.

(2) To be eligible personnel must meet one of the following qualifications:

(a) Be attached to or regularly serving for 1 or more days with an organization participating in ground or shore operations.

(b) Be attached to or regularly serving for 1 or more days aboard a naval vessel directly supporting military operations.

(c) Actually participate as a crewmember in one or more aerial flights supporting military operations in the areas designated above.

(d) Serve on TDY for 30 consecutive days during the period 17 January 1991 to 28 February 1991 under any of the criteria in paragraphs 9–15b (1) through (3). This time limit may be waived by Commander, U.S. Army Human Resources Command (AHRC-PDP-A), 1600 Spearhead Division Avenue, Fort Knox, KY 40122-5408 for people participating in actual combat operations.

(3) The eligibility period and geographic boundaries were specified by the government of Saudi Arabia and may not be waived.

c. 9-16 (Kuwait Liberation Medal-Government of Kuwait) The KLM-KU is awarded by the government of Kuwait to Servicemembers of the Armed Forces of the United States and authorized by DOD on 7 August 1995.

(1) It is awarded to Servicemembers of the Armed Forces of the United States who served in support of Operations DESERT SHIELD and DESERT STORM between 2 August 1990 and 31 August 1993 in one or more of the following areas: the Arabian Gulf; the Red Sea; the Gulf of Oman; that portion of the Arabian Sea that lies north of 10 degree north latitude and west of 68 degree east longitude; the Gulf of Aden; or the total land areas of Iraq, Kuwait, Saudi Arabia, Oman, Bahrain, Qatar, and the United Arab Emirates.

(2) To be eligible, personnel must meet one of the following qualifications:

(a) Be attached to or regularly serving for 1 or more days with an organization participating in ground and/or shore operations.

(b) Be attached to or regularly serving for 1 or more days aboard a naval vessel directly supporting military operations.

(c) Actually participate as a crewmember in one or more aerial flights directly supporting military operations in the areas designated above.

(d) Serve on TDY for 30 consecutive days or 60 nonconsecutive days during the period 2 August 1990 to 31 August 1993 under any of the criteria in paragraphs 9–16b (1) through (3). This time limit may be waived by Commander, U.S. Army Human Resources Command (AHRC-PDP-A), 1600 Spearhead Division Avenue, Fort Knox, KY 40122-5408 for Soldiers participating in actual combat operations.

(3) The eligibility period and geographic boundaries were specified by the government of Kuwait and may not be waived.

3. AR 635-8 (Separation Processing and Documents) prescribes policy and procedural guidance relating to transition management. Paragraph 5-6r (4) (g) Block 18 (Remarks): “SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates).”

//NOTHING FOLLOWS//