

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 February 2024

DOCKET NUMBER: AR20230006633

APPLICANT REQUESTS: reconsideration of his previous request to correct his DD Form 214 (Certificate of Release or Discharge from Active Duty) to add or show:

- Distinguished Honor Graduate of One Station Unit Training (OSUT)
- Combat service during the Gulf War in Southwest Asia
- Driver and Mechanic Badge
- Expert Marksmanship Qualification Badge with Rifle Bar
- Expert Marksmanship Qualification Badge with Rifle Bar (M-60)
- Army Commendation Medal

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

- letter, Request for Reconsideration, 17 May 2023
- 3 pages of email, 27 September 2022, 2 February 2023, 29 March 2023
- 2 Optional Forms (OF) 346 (U.S. Government Motor Vehicle Operator's Identification Card), 20 September 1989, 27 March 1990
- Letter postmarked 26 August 1991
- Letter postmarked September 1991
- Army Achievement Medal certificate, 1 October 1991
- Letter, U.S. Army Center of Military History, 1 May 2007
- Open Burn Pit Registry, 18 August 2022
- Record of Proceedings Docket Number AR20220009959, 28 March 2023

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20220009959 on 28 March 2023.

2. The applicant provides new evidence or argument through counsel, which warrants consideration by the Board. The applicant states, in effect:

a. He believes some attachments which were included in his original request were either disregarded or not presented to the Board. He is frustrated to find out the Army

Achievement Medal presented to him in formation before his peers was not correctly entered into his service record. Even more disappointing is the Army's negligence in maintaining a record of his Operation Desert Storm service. The Army, by its own admission, did not properly execute its duty of accurate record keeping which is a known issue with Desert Storm Veterans.

b. He does not have copies of any records beyond what he is providing to substantiate his request. He was verbally ordered to mobilize and deploy to Iraq. No private first class would ever tell his commanding officer that he or she was not going anywhere until he or she saw a travel voucher or written orders. Anyone who suggests otherwise does not understand the Army that he served in. He never had any orders to deploy to any exercise at any time. He cannot prove when he did field maneuvers as howitzer driver/cannoneer for weeks at a time at Grafenwoehr or Wildflecken, Germany but to suggest that none of this ever happened is offensive and disrespectful to those who have served and obeyed verbal orders given under Article 90 of the Uniform Code of Military Justice.

4. The applicant enlisted in the Regular Army on 26 July 1989. He completed training and he was awarded military occupational specialty 13B (Cannon Crewmember).

5. The applicant provides a copy of an OF 346 issued 20 September 1989, at Fort Sill, OK, which qualified him to operate the M35A2 Truck.

6. He provides the following 2 letters dated 2 November 1989.

a. A letter/memorandum of commendation, from the Commander, Headquarters, 1st Battalion, 19th Field Artillery, United States Army Field Artillery Training Center, Fort Sill, OK, commended the applicant for his selection as the outstanding Soldier of his Battery and his selection as the Distinguished Graduate.

b. A memorandum from the Commander, Headquarters, 1st Battalion, 19th Field Artillery, United States Army Field Artillery Training Center, Fort Sill, OK to the applicant's gaining commander, Subject: Fast Track Program, which states the applicant was selected for and participated in the Fast Track Program. During this training he received more advanced training, and training in additional skills.

7. He was assigned to Germany on 17 November 1989.

8. A certificate of training certified the applicant successfully completed the 40-hour German Headstart course on 19 January 1990.

9. He provides a copy of an OF 346 issued 27 March 1990, at Babenhausen, Germany, which qualified him to operate the M110A2 Howitzer, M548A1 Tracked Cargo Carrier, and M270 Multiple Launch Rocket System (MLRS). The applicant notes he served in an MLRS unit, and these were added and authenticated by the platoon sergeant while deployed to Iraq during Desert Storm.

10. A Certificate for Training certified the applicant successfully completed the Combat Life Saver Course, from 13-21 December 1990.

11. He provides 2 letters postmarked 26 August 1991 and September 1991, Army Postal Service, APO 09455, from the applicant stating, in effect, he volunteered to go to Iraq where he performed lots of different duties with multiple units and lots of guard duty.

12. An Army Achievement Medal certificate dated 1 October 1991, states the applicant was awarded the Army Achievement Medal for superior service while assigned as a Howitzer Driver, Number One Cannoneer, and Number Two Cannoneer from 31 July 1989 to 15 October 1991. No order number is present on the form.

13. His DA Form 2-1 (Personnel Qualification Record) shows:

- block 5 (Overseas) service, only reflects service in Germany
- block 9 (Awards, Decorations, and Campaigns) reflects awards of the -
 - Army Service Ribbon
 - Overseas Service Medal
 - National Defense Service Medal
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
 - 2nd Class Marksmanship Qualification Badge with Grenade Bar

14. On 5 November 1991, he was honorably released from active duty upon the expiration of his term of service. The DD Form 214 he was issued shows in:

- Block 12c (Net Active Service This Period) "02 03 10"
- Block 12f (Foreign Service) "01 10 22"
- Block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) - Army Service Ribbon, National Defense Service Medal, Overseas Service Ribbon, Sharpshooter Marksmanship Qualification Badge (M-16), and Marksman Marksmanship Qualification Badge with Grenade Bar
- Block 18 (Remarks) does not contain an entry indicating service in Southwest Asia

15. There is no evidence in the available records, and the applicant did not provide:

- evidence showing he qualified as an expert marksman with the rifle or automatic rifle (M-60)
- a formal recommendation with order numbers or separate orders awarding him the Army Achievement Medal
- a certificate of award a formal recommendation with order numbers or separate orders awarding him the Army Commendation Medal
- evidence he was awarded the Driver and Mechanic Badge

16. The applicant's name is not listed in the Defense Manpower Data Center (DMDC). The DMDC compiled the Operations Desert Shield/Desert Storm database, which is the primary file that contains one record for each active duty member who participated in theater.

17. The applicant provides:

a. Letter from the U.S. Army Center of Military History, Historical Resources Branch, 1 May 2007, informing the applicant that the Center is not a records repository and did not have the records he was seeking. After Operation Desert Shield/Storm ended, units were told to submit their after-action reports to their next higher headquarters. They could then destroy their records since there was no space to ship the paper back to the States. This guidance was in direct contradiction to existing Army regulations governing the preservation of wartime records. Several years after the first Gulf War, when Soldiers began putting in medical claims, the search for the records began and it was discovered that nearly all of the records below the brigade level no longer existed. There was a massive search by all the services to find any records that may have escaped destruction. Along with this search was the creation of a massive effort to declassify any of the surviving records that had any information that would show where Soldiers were assigned and any reports of illness and/or exposure to chemical weapons.

b. Open Burn Pit Registry Questionnaire, 18 August 2022, which states Deployment Data from the VA Defense Information Repository and Other Sources shows deployment to:

- Saudi Arabia from 17 December 1990 to 20 March 1991; and
- Iraq from 30 March to 15 July 1991

c. 3 pages of email between the applicant and a customer service representative of the Army Review Board Agency from 27 September 2022 and 29 March 2023, pertaining to adding evidentiary letters he sent to his family while deployed to Southwest

Asia during the Gulf War. The customer service representative acknowledged the documents had been loaded into his case file on 29 March 2023.

d. Applicant annotated comments on the first three pages of ABCMR Docket Number AR20220009959, 28 March 2023, wherein he points out what was missing from the discussion, or not discussed thoroughly enough in the record of proceedings.

18. ABCMR Docket Number AR20220009959, dated 28 March 2023, shows -

a. The Board denied the applicant's requested relief after finding the evidence presented did not demonstrate the existence of a probable error or injustice. The Board also determined the overall merits of the case were insufficient as a basis for correction of the records of the individual concerned. The Board provided the below discussion -

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence of record shows the applicant served on active duty from 26 July 1989 to 5 November 1991. The Board noted his selection as the Distinguished Honor Graduation of One Station Unit Training (OSUT); however, there is no provision to list such entry on the DD Form 214. Additionally, a review of the applicant's military record does not show he was deployed to Southwest Asia. The applicant did not provide evidence of his combat service in Southwest Asia in support of Operation Desert Storm, His name is not listed on the Gulf War Roster (a listing of those deployed in support of Operations Desert Shield/Storm). Additionally, there is no evidence in the applicant's service record, and he provides none to show he was recommended for or awarded the Army Achievement Medal, Army Commendation Medal. Likewise, there is no evidence of award of the Expert Marksmanship Badges, or Driver's Badge...

b. As an administrative matter, the ABCMR directed correction of the applicant's DD Form 214 to add the German Headstart, 1 week, 1990 and Combat Lifesavers Course, 2 weeks, 1990. [Note: His available record did not contain a DD Form 215 (Correction to DD Form 215) to show these additional courses were added.]

19. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form should be complete and accurate. The Board previously noted his selection as the Distinguished Honor Graduation of OSUT; however, there is no provision to list such entry on the DD Form 214.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence of record shows the applicant served on active duty from 26 July 1989 to 5 November 1991.

- a. Distinguished Honor Graduation of One Station Unit Training (OSUT): Deny. While the applicant is lauded for this accomplishment, there is no provision in the governing regulation (AR 635-5) to list such entry on the DD Form 214.
- b. Southwest Asia deployment: Deny. The applicant's military record does not show he was deployed to Southwest Asia. The applicant did not provide evidence of his combat service in Southwest Asia in support of Operation Desert Storm. His name is not listed on the Gulf War Roster (a listing of those deployed in support of Operations Desert Shield/Storm). The applicant can request his contemporaneous Leave and Earnings Statements (LES) from the Defense Finance and Accounting Service. Such LESs would list his receipt of hostile fire/imminent danger pay from date of deployment to date of redeployment.
- c. Army Commendation Medal: Deny. Award of the Army Commendation Medal requires a formal recommendation, approval through the chain of command, and announcement in orders. No orders were provided. If the applicant has such orders, or evidence he was recommended for this award, he may reapply to this Board for reconsideration.
- d. Driver and Mechanic Badge: Deny. The applicant does not provide orders or evidence he met the criteria for this award. If the applicant has evidence, he met the criteria and was recommended for this badge, he may reapply to this Board for reconsideration.
- e. Expert Marksmanship Qualification Badge with Rifle Bar and Expert Marksmanship Qualification Badge with Rifle Bar (M-60)- Deny. The applicant does not provide, and his record does not contain orders, certificates, firing records, or other evidence that shows he qualified with these weapon systems and the degree of qualification.

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 to amend the decision of the ABCMR set forth in Docket Number AR20220009959 on 28 March 2023.

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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. Army Regulation 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity. This period is 3 years except in those cases when the period for the first award ends with the termination of a period of active Federal military service. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified.

b. The Army Achievement Medal is awarded to members of the Armed Forces of the United States, who while serving in a noncombat area on or after 1 August 1981, distinguished themselves by meritorious service or achievement. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

c. The Army Commendation Medal may be awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

d. The Driver and Mechanic Badge is awarded to drivers, mechanics, and special equipment operators to denote the attainment of a high degree of skill in the operation and maintenance of motor vehicles and equipment. Any commander in the rank of Lieutenant Colonel/O-5 or higher may approve award of the Driver and Mechanic Badge. Component bars are authorized only for the following types of vehicles and/or qualifications:

- Driver-W (for wheeled vehicles)
- Driver-T (for tracked vehicles)
- Driver-M (for motorcycles)
- Driver-A (for amphibious vehicles)
- Mechanic (for automotive or allied vehicles)
- Operator-S (for special mechanical equipment)

e. The eligibility requirements for drivers require that a Soldier must -

(1) Qualify for and possess a current OF 346 (U.S. Government Motor Vehicles Operator's Identification Card), issued as prescribed by Army Regulation 600-55 (The Army Driver and Operator Standardization Program); and

(2) Be assigned duties and responsibilities as a driver or assistant driver of Government vehicles for a minimum of 12 consecutive months, or during at least 8,000 miles with no Government motor vehicle accidents or traffic violations recorded on his or her DA Form 348–1 (Equipment Operator's Qualification Record (Except Aircraft) continuation sheet); or

(3) Perform satisfactorily for a minimum period of 1 year as an active qualified driver instructor or motor vehicle driver examiner.

f. The eligibility requirements for mechanics require that a Soldier must -

(1) Pass aptitude tests and complete the standard mechanics' course with a "skilled" rating or have demonstrated possession of sufficient previous experience as an automotive or engineer equipment mechanic to justify such a rating.

(2) Be assigned to primary duty as an automotive or engineer mechanic, unit level or higher, or be an active automotive or engineer mechanic instructor.

(3) If required to drive an Army motor vehicle in connection with automotive mechanic or automotive mechanic instructor duties, qualify for motor vehicle operators permit as prescribed above, and perform duty which includes driving motor vehicles for a minimum of 6 consecutive months, and have no Army motor vehicle accidents or traffic violations recorded on his or her DA Form 348 (Equipment Operator's Qualification Record (Except Aircraft)).

g. The eligibility requirements for operators of special mechanical equipment require that a Soldier or civilian whose primary duty involves operation of Army materials handling or other mechanical equipment must have completed 12 consecutive months or 500 hours of operation, whichever comes first, without accident or written reprimand as the result of his or her operation, and his or her operating performance must have been adequate in all respects.

h. The requirements for award of basic marksmanship qualification badges. The qualification badge is awarded to indicate the degree – Expert, Sharpshooter, and Marksman – in which an individual has qualified in a prescribed record course. An appropriate bar is furnished to denote each weapon with which the individual has qualified. The qualification should be shown as: Expert Marksmanship Qualification Badge with Rifle Bar or Marksman Marksmanship Qualification Badge with Automatic Rifle Bar or Sharpshooter Marksmanship Qualification Badge with Pistol Bar. Award of marksmanship badges is not permanent. Paragraph 1-31c(11) states an award for previous marksmanship weapons qualification is revoked automatically whenever an individual, upon completion of firing a record course for which the previous award was made, has not attained the same qualification. In the event a badge is authorized for

firing a limited or sub-caliber course, it is automatically revoked if a record service course is subsequently fired.

2. Army Regulation 635-5 (Separation Documents), then in effect, 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 the preparation of the DD Form 214. In pertinent part, it stated that the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form should be complete and accurate. Chapter 2 of Army Regulation 635-5 contains guidance on the preparation of the DD Form 214. It states, in pertinent part, that for:

a. block 12f, enter the total amount of foreign service completed during the period covered by the DD Form 214.

b. block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized), list awards and decorations for all periods of service in the priority sequence specified in Army Regulation 600-8-22. Each entry will be verified by the Soldier's records. Do not use abbreviations.

c. block 18, for an active duty Soldier deployed with his or her unit during their continuous period of active service, enter statement "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates for example, YYYYMMDD - YYYYMMDD)."

3. Army Regulation 15-185 prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. Paragraph 2-9 contains guidance on the burden of proof. It states that the ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//