

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 April 2024

DOCKET NUMBER: AR20230006890

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the service period ending 19 April 1991 to show:

- secondary military occupational specialty (SMOS), 63W1P
- in effect, foreign service credit in Southwest Asia
- Southwest Asia Service Medal (SWASM), Kuwait Liberation Medal (KLM) – Saudi Arabia; Kuwait Liberation Medal – Kuwait, and Army Commendation Medal (ARCOM)
- a video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 2-1 (Personnel Qualification Record)
- Partial DA Form 2A (Personnel Qualification Record)
- DA Form 4187 (Personnel Action) – Reclassification
- Memorandum of Approval for SMOS, 25 April 1990
- Order 59-6, 9 May 1990
- DD Form 214 effective 19 April 1991
- Permanent Order #009-16, 6 June 1991
- ARCOM Certificate
- DA Form 200 (Transmittal Record)

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 is requesting his SMOS of 63W (Wheeled Vehicle Mechanic), his ARCOM, and the awards for service in Desert Shield/Desert Storm be added to his DD Form 214. It was not listed on his DD Form 214 when he separated

from service. The awards for service in Southwest Asia include: SWASM, KLM – Saudi Arabia, and KLM – Kuwait

3. The applicant provides:

a. The below listed documents to be referenced in his service record:

- DA Form 2-1
- Order 59-6, 9 May 1990
- DD Form 214 effective 19 April 1991

b. A partial DA Form 2A prepared 17 April 1990 shows only half of the page with the applicant's service information, as outlined on the DA Form 2-1.

c. A DA Form 4187 shows on 17 April 1990 the applicant's commander approved his request for reclassification.

d. A memorandum of approval shows on 25 April 1990 the applicant's request for a secondary MOS was approved.

e. Permanent Order #009-16 dated 6 June 1991 announced award of the applicant's ARCOM for meritorious service from 8 September 1990 to 31 March 1991.

f. An ARCOM certificate dated 31 May 1991 shows the applicant received the award for exceptionally meritorious service in support of the Army Special Operations Task Force, U.S. Army Forces Central Command and the Multi-National Coalition during Operation Desert Shield and Desert Storm.

g. A DA Form 200 shows on 9 July 1991 the applicant's award was shipped to his address in Jasper, GA following separation.

4. A review of the applicant's service record shows:

a. He enlisted in the Regular Army on 23 February 1987.

b. His DA Form 2-1 shows his only foreign service location as Panama from 19 October 1987 to 12 October 1989. It also shows in Item 9 (Awards, Decorations & Campaigns):

- Parachute Badge
- Driver and Mechanic Badge
- Army Achievement Medal (AAM)
- Army Service Ribbon (ASR)

- Overseas Service Ribbon (OSR)
- Army Good Conduct Medal (AGCM)
- Armed Forces Expeditionary Medal (AFEM) – Panama
- Noncommissioned Officer Professional Development Ribbon (NCOPDR)
- National Defense Service Medal (NDSM)

c. Permanent Order 183-16 dated 22 September 1987 announced award of the Parachute Badge to a number of Soldiers, including the applicant, effective 2 October 1987.

d. Permanent Orders 153-21 dated 16 November 1989 announced award of the applicant's first ARCOM for the service period of 18 October 1987 to 11 October 1989.

e. Order 59-6 dated 9 May 1990 directed the applicant be awarded his SMOS of 63W1P effective 17 May 1990 (11 months and 3 days through the separation date).

f. Orders 144-41 dated 31 July 1990, shows the applicant was promoted from specialist to sergeant and he was awarded 63B2P as his primary MOS effective 1 August 1990. Additionally, he was awarded 63W20 as his SMOS. Bother MOS 63B1P and 63W10 were withdrawn as primary/secondary MOS.

g. He was honorably released from active duty on 19 April 1991. His DD Form 214 shows he completed 4 years, 1 month, and 27 days of active service with 1 year, 11 months, and 4 days of foreign service. Item 18 (Remarks) did not list the applicant's service time in Southwest Asia. The DD Form 214 also shows he was awarded or authorized:

- ASR (Army Service Ribbon)
- Army Lapel Button
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
- AAM (Army Achievement Medal)
- Parachute Badge
- AGCM (Army Good Conduct Medal)
- NCOPDR (NCO professional Development Ribbon)
- NDSM (National Defense Service Medal)
- OSR (Overseas Service Ribbon)
- AFEM (Panama) (Armed Forces Expeditionary Medal)
- Driver/Mechanic Badge (item 18)
- Army Commendation Medal (item 18)

5. A member of the Defense Finance Accounting Services staff provided Leave and Earnings Statements (LES) to confirm the applicant deployed to Southwest Asia. The

LES's from October 1990 through March 1991 show the applicant was receiving danger pay and overseas pay with the September 1990 pay listed on the October 1990 LES. Additionally, the applicant was listed on the Gulf War Roster (1 October 1990 to 12 March 1991).

7. By regulation (AR 15-185), an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

8. By regulation, (AR 635-5) 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 all current active, prior active, and prior inactive 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.

a. Item 11 (Primary Specialty) states list number, title, and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.

b. Item 12f (Foreign Service) will show the total amount of foreign service performed during the period covered by Item 12c (Net Active Service This Period).

c. Item 18 (Remarks), for Soldiers who deployed with his or her unit during their continuous period of active service, enter a statement "SERVICE IN (name of country deployed) FROM (inclusive dates for example, YYYYMMDD-YYYYMMDD)."

BOARD DISCUSSION:

1. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was partially warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant served on active duty from 23 February 1987 to 19 April 1991
 - a. Southwest Asia service: Grant. The applicant's name is listed on the Guld Roster as having served in SWA from 1 October 1990 to 12 March 1991, also confirmed by his Leave and Earnings Statements (LES) reflective of his receipt of danger pay and overseas pay with the September 1990 to March 1991.

 - b. Awards: Grant. Based on his deployment to SWA, he is eligible for awards of the Southwest Asia Service Medal with 3 bronze service stars, Kuwait Liberation Medal (Kuwait), and Kuwait Liberation Medal (Saudi Arabia).

 - c. Army Commendation Medal: Deny. Permanent Orders issued on 6 June 1991 awarded him the Army Commendation Medal for service from 8 September 1990 to 31 March 1991. His DD Form 214 already lists an Army Commendation Medal. There are no orders awarding him a second award of the Army Commendation Medal.

 - d. SMOS: Deny. The applicant was promoted to SGT/E-5 and awarded PMOS 63B2P and SMOS 63W20 effective 1 August 1990. He was honorably released from active duty on 19 April 1991. He did not serve in the SMOS for 1 year or more as required in the regulation that governs the DD Form 214.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

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: : : 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 by amending his DD Form 214 as follows:

- Block 13: Add Southwest Asia Service Medal with 3 bronze service stars, Kuwait Liberation Medal (Kuwait), and Kuwait Liberation Medal (Saudi Arabia)
- Block 18: Add Service in Southwest Asia from 1 October 1990 to 12 March 1991

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 adding any relief in excess of that described above.

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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 15-185 (ABCMR) 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, which is that what the Army did was correct.

a. 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.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. Army Regulation 635-5 (Separation 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 all current active, prior active, and prior inactive 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.

a. Item 11 (Primary Specialty) states list number, title, and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.

b. Item 12f (Foreign Service) will show the total amount of foreign service performed during the period covered by Item 12c (Net Active Service This Period).

c. Item 18 (Remarks), for Soldiers who deployed with his or her unit during their continuous period of active service, enter a statement "SERVICE IN (name of country deployed) FROM (inclusive dates for example, YYYYMMDD-YYYYMMDD)."

//NOTHING FOLLOWS//