

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 January 2024

DOCKET NUMBER: AR20230007044

APPLICANT REQUESTS: award of the Iraq Campaign Medal and correction of his DD Form 314 (Certificate of Release or Discharge from Active Duty) to show it.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- Orders 58-71, 27 February 2003, deployment to Kuwait
- NCO Evaluation Report, March 2003 through August 2003
- Criteria for award of the Iraq Campaign Medal

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 requests issue of Iraq Campaign Medal, which was established November 29, 2004, retroactively awarded from 19 March 2004 until the end of Operation New Dawn on 31 December 2011. He was assigned to the Office of Coalition Provisional Authority (formerly known as the Office of Reconnaissance and Humanitarian Assistance) CPA-CI Kuwait City, Kuwait, APO AE 09304, DOD via Pentagon deployment from 27 February 2003 to 23 September 2003, Orders 58-51 , dated 27 February 2003. Request his DD Form 214 updated to reflect the addition. The gas siren alarmed daily during his deployment to Kuwait, CPA site after the start until the end of the Iraqi war. A couple of SCUD missiles exploded 1 mile away from the CPA site. He was traumatized by these events. He retired from the Army on 30 June 2004 and the medal was established November 2004, five months after he retired.
3. Review of the applicant's service records shows:

a. Having had prior service, he enlisted in the Regular Army on 10 November 1989 and served through multiple reenlistments, in a variety of stateside or overseas assignments, and attained the rank of first sergeant.

b. His service record contains a certificate awarding him the NATO Medal for service in the Former Republic of Yugoslavia from 20 December 1996 to 3 March 1997.

c. His service record contains Order 58-51, dated 27 February 2003, reassigning him from Fort Myer, VA to the Pentagon to serve as an individual augmentee to the Office of Recon and Human Assistance, for 179 days reporting on or about 28 February 2003.

d. His record contains an NCO Evaluation Report for the rating period 1 March 2003 through 31 August 2003, for his duties as Administrative Supervisor, Office of Coalition Provisional Authority (CPA) personnel for Kuwait to rebuild Iraq's command and control. Some of the comments read:

- selected over 8 senior military from the CPA to serve as the Kuwait cell Senior NCOIC
- displayed tremendous physical and mental toughness during Operation Iraqi Freedom
- drove over 20,000 miles in Kuwait without incident or casualty of CPA personnel, staff members and locals

e. He retired on 30 June 2004, and he was placed on the retired list on 1 July 2004 after completing over 28 years of active service. His DD Form 214 shows in:

(1) Block 13 (Decorations, Medal, Badges, Citations and Campaign Ribbons Awarded or Authorized)

- NATO Medal
- Defense Meritorious Service Medal
- Meritorious Service Medal (2nd Award)
- Joint Service Commendation Medal
- Army Commendation Medal (2nd Award)
- Army Achievement Medal (4th Award)
- Joint Meritorious Unit Award
- Army Superior Unit Award
- Army Good Conduct Medal (8th Award)
- National Defense Service Medal (2nd Award)
- Armed Forces Expeditionary Medal
- Armed Forces Service Medal
- NCO Professional Development Ribbon with Numeral 3

- Army Service Ribbon
- Overseas Service Ribbon (4th Award)
- Drill Sergeant Identification Badge
- Military Outstanding Volunteer Service Medal
- Global War on Terrorism Service Medal
- Global War on Terrorism Expeditionary Medal
- Korean Defense Service Medal

(2) Block 18 (Remarks) does not list his deployment to Former Republic of Yugoslavia or to Kuwait.

4. There are no documents in his records, and he provides none to show he served in Iraq.

5. By regulation (AR 600-8-22):

a. The Iraq Campaign Medal (ICM) was authorized in 2004 to service members who have served in direct support of Operation Iraqi Freedom (OIF) or on/after 1 September 2010 for Operation New Dawn (OND). The Area of Operations (AOE) encompasses all land area of the country of Iraq, and the contiguous water area out to 12 nautical miles, and all air spaces above the land area of Iraq and above the contiguous water area out to 12 nautical miles. The ICM period of eligibility is on or after 19 March 2003 to 31 December 2011.

b. Under no condition will personnel receive the Iraq Campaign Medal, the Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, the Afghanistan Campaign Medal, or the Armed Forces Expeditionary Medal for the same action, time period, or service.

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 Iraq Campaign Medal (ICM) was authorized in 2004 to service members who have served in direct support of OIF or on/after 1 September 2010 for OND. The Area of Operations (AOE) encompasses all land area of the country of Iraq, and the contiguous water area out to 12 nautical miles, and all air spaces above the land area of Iraq and above the contiguous water area out to 12 nautical miles. The applicant did not serve in Iraq; he served in Kuwait, outside the AOE. Additionally, under no condition will personnel receive the Iraq Campaign Medal and the Global War on Terrorism Expeditionary Medal, for the same action, time period, or service. The Board determined the applicant does not meet the criteria for the ICM.

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:

Except for the correction addressed in Administrative Note(s) below, the Board found 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 for correction of the records of the individual concerned.



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):

Correct the applicant's DD Form 214 ending on 30 June 2004 to show in Block 18 (Remarks) the entry "Service in Former republic of Yugoslavia from 20 December 1996 to 3 March 1997."

REFERENCES:

1. s applicable.) 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 600-8-22 (Military Awards) states in paragraph 2–18. Iraq Campaign Medal (ICM):

a. The ICM is authorized by PL108–234, 28 May 2004 and EO 13363, 29 November 2004, as amended by EO 13289, 12 March 2003.

b. Individuals authorized the ICM must have served in direct support of Operation Iraqi Freedom (OIF) or Operation New Dawn (OND). The AOE encompasses all land area of the country of Iraq, and the contiguous water area out to 12 nautical miles, and all airspaces above the land area of Iraq and above the contiguous water area out to 12 nautical miles. The ICM period of eligibility is on or after 19 March 2003 to 31 December 2011, as determined by the SECDEF.

c. Servicemembers must have been assigned, attached, or mobilized to units operating in the AOE for 30 consecutive days or for 60 nonconsecutive days or meet one of the following criteria:

(1) Be engaged in combat during an armed engagement, regardless of the time in the AOE.

(2) While participating in an operation or on official duties, is wounded or injured and requires medical evacuation from the AOE.

(3) While participating as a regularly assigned air crewmember flying sorties into, out of, within, or over the AOE in direct support of the military operations; each day of operations counts as 1 day of eligibility.

d. The following rules apply to award the ICM:

(1) The ICM may be awarded posthumously.

(2) Only one award of this medal may be authorized for any individual.

(3) Under no condition will personnel receive the ICM, the GWOTEM, the GWOTSM, the ACM, or the AFEM for the same action, time period, or service.

(4) One bronze service star will be worn on the suspension and service ribbon of the ICM for participation in each designated service (para 6–11 for further information on the bronze service star). (Designated campaigns for Iraq are listed in app B.)

(5) Servicemembers qualified for the GWOTEM by reasons of service between 19 March 2003 and 30 April 2005, in Iraq, will remain qualified for the medal. Any such Soldier may be awarded the ICM in lieu of the GWOTEM for such service. Additionally, any such Soldier authorized the arrowhead device may be awarded the ICM with arrowhead device in lieu of the GWOTEM with arrowhead device. Soldiers that elect to receive the GWOTEM in lieu of the ICM are not authorized bronze service stars for those campaigns in which the GWOTEM is awarded. No Soldier will be entitled to both medals for the same act, achievement, or period of service.

//NOTHING FOLLOWS//