

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 February 2024

DOCKET NUMBER: AR20230007096

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 2 January 2005 to show award of the Iraq Campaign Medal (ICM) and Global War on Terrorism Expeditionary Medal (GWOTEM).

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552).

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 authorized award of the ICM and GWOTEM because of his service in Iraq and receipt of hazardous duty pay.
3. He enlisted in the Regular Army on 4 November 1997.
4. Headquarters, III Corps and Fort Hood, Orders 303-0226, 29 October 2004, reassigned him to the U.S. Army Transition Point for processing and discharge from the service effective 2 January 2005.
5. He was honorably discharged on 2 January 2005 by reason completion of required active service. He completed 7 years, 1 month, and 29 days of net active service during this period. His DD Form 214 shows in:
 - item 12f (Foreign Service) – 11 months and 16 days
 - item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) – no ICM, GWOTEM, or Overseas Service Ribbon (OSR)
 - item 18 (Remarks) – Service in Iraq from 1 April 2003 to 16 March 2004

6. The email correspondence from the Defense Finance and Accounting Service, 6 February 2024, confirmed his deployment to Kuwait/Iraq from 1 April 2003 through 16 March 2004.

7. All units deployed to Iraq staged through Kuwait, the initial location recorded by the Defense Finance and Accounting Service as eligible for receipt of hostile fire pay/ imminent danger pay and combat zone tax exclusion.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board found that relief was partially warranted. The applicant's contentions, his military records, and regulatory guidance were carefully considered.

2. The applicant requested correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 2 January 2005 to show award of the ICM and GWOTEM. However, Army Regulation 600-8-22 specifically states, under no conditions will personnel receive the ICM and the GWOTEM for the same action, time period, or service. The Board found:

a. The Board considered the applicant's request for award of the GWOTEM and determined relief was not warranted.

b. The Board considered the applicant's request for award of the ICM with two bronze service stars and determined relief was warranted.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

█ █ █ GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board concurs with making the corrections annotated in Administrative Note(s) by the Analyst of Record (below the signature) and 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 correcting block 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) to add the Iraq Campaign Medal with 2 bronze service stars.

2. The Board denied the applicant's request for award of the Global War on Terrorism Expeditionary Medal because the applicant can have either the Iraq Campaign Medal or the Global War on Terrorism Expeditionary Medal, not both.

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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.

ADMINISTRATIVE NOTE(S): administratively correct the applicant's DD Form 214 for the period ending 2 January 2005 to add the overseas service ribbon.

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

a. The ICM was awarded to members of the Armed Forces of the United States who served in direct support of Operation Iraqi Freedom between 19 March 2003 and 31 December 2011. Service members must have been assigned, attached, or mobilized to units operating in the area of eligibility for 30 consecutive or 60 nonconsecutive days. The area of eligibility 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. One bronze service star is authorized with the ICM for participation in each credited campaign. Table B-1 shows campaign credit was awarded for the following campaigns:

- Liberation of Iraq from 19 March 2003 to 1 May 2003
- Transition of Iraq from 2 May 2003 to 28 June 2004

b. The GWOTEM is awarded to service members of the Armed Forces of the United States who are deployed abroad for service in support of the Global War on Terrorism on or after 11 September 2001 to a date to be determined. The general area of eligibility encompasses all foreign land, water, and airspaces outside the 50 States of the United States and outside 200 nautical miles of the shores of the United States. The GWOTEM is only awarded once per named operation, regardless of the number of deployments and periods of service supporting that operation. Effective 9 February 2015 (retroactive to 11 September 2001), separate deployments and periods of service in support of different named operations are recognized by bronze service stars.

c. Under no conditions will personnel receive the ICM, Global War on Terrorism Service Medal, GWOTEM, Afghanistan Campaign Medal, or Armed Forces Expeditionary Medal for the same action, time period, or service.

d. The OSR is authorized to all members of the Active Army, Army National Guard, and U.S. Army Reserve in an active Reserve status for successful completion of overseas tours effective 1 August 1981.

3. Army Regulation 614-30 (Overseas Service), table 3-2, rule 2, provides that if a Soldier serves less than the normal prescribed overseas tour and curtailment is for the convenience of the Government and through no request from or fault of the Soldier, then credit the Soldier with a completed tour. Table 3-2, rule 8, provides that if a Soldier serves 9 months in a continuous temporary change of station or temporary duty status in areas where the unaccompanied tour length is up to 18 months, or in isolated areas where tour lengths have not been established, then the Soldier will be credited with completion of an overseas tour. Iraq is considered an isolated area where tour lengths have not been established by the Department of Defense.

//NOTHING FOLLOWS//