

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 February 2024

DOCKET NUMBER: AR20230007137

APPLICANT REQUESTS to award the following:

- Afghanistan Campaign Medal (ACM)
- Korean Service Medal (KSM), i.e., Korea Defense Service Medal (KDSM)
- Global War on Terrorism Expeditionary Medal (GWOTEM)
- Combat Infantryman Badge (CIB)

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

- DD Form 149 (Application for Correction of Military Record)
- Two (2) DD Forms 214 (Certificates of Release or Discharge from Active Duty)
- NGB Form 22 (Report of Separation and Record of Service)
- Two (2) DA Forms 2173 (Statement of Medical Examination and Duty Status)
- Two (2) DD Forms 261 (Report of Investigation Line of Duty and Misconduct Status)

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, in effect, he did not receive his Afghanistan Campaign Medal, Korean Service Medal, Global War on Terrorism Expeditionary Medal, and the Combat Infantry Badge attached to the 10th Mountain Division [sic]. These awards were overlooked by his command.
3. The applicant provides:
 - a. Two (2) DD Forms 214 that reflect the following:
 - (1) Period of service from 29 February 1996 thru 12 September 2002, which shows he was released from active duty and transferred to Company A, 260th Military

Intelligence, Miami, FL on 12 September 2002, under the provisions of Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel), Chapter 4, completion of required active service, with a character of service of honorable. He served 6 years, 6 months, and 14 days of net active service this period.

(2) Period of service from 2 January 2003 thru 16 September 2003, which shows he was released from active duty and transferred to Orlando, FL on 16 September 2003, under the provisions of AR 635-200, Chapter 4, completion of required active service, with a character of service of honorable. He served 8 months and 15 days of net active service this period; 6 years, 6 months, and 14 days of total prior active service; and, 3 months and 13 days of total prior inactive service. It also shows in:

- Item 2 (Department, Component and Branch): Army / ARNG
- Item 11 (Primary Specialty): 11B2O Infantryman
- Item 18 (Remarks): ordered to active duty in support of Operation Noble Eagle/Enduring Freedom in Afghanistan from 28 April 2003 to 22 July 2003

b. NGB Form 22 (National Guard Bureau Report of Separation and Record of Service) shows he was honorably discharged from the Florida Army National Guard (FLARNG) and as a Reserve of the Army on 15 March 2011, under the provisions of AR 600-200, paragraph 6-35a, expiration of term of service (ETS). He served 8 years, 6 months, and 3 days of net service this period. Item 15 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons awarded) reflect ARCOM / AAM (4th Award) / AGCM (2nd Award) / ASR / NDSM / Kosovo Campaign Medal (2nd Award) / NCOPDR / ASR / OSR / NATO Medal / Driver and Mechanic Badge / Army Lapel Button.

c. Two (2) DA Forms 2173 that reflect the following:

(1) Accident took place on 22 January 1998 in South Korea, item 15 (Details of Accident or History of Disease) states, "Soldier [applicant] stated he was in a motor vehicle collision while deployed to South Korea in January 1998," injury was incurred in the line of duty, form signed by unit commander on 28 November 2017.

(2) Accident took place on 1 April 2003 in Afghanistan, item 15 (Details of Accident or History of Disease) states, "Soldier [applicant] claims that he got PTSD after his deployment to Afghanistan in 2003," injury was incurred in the line of duty, form signed by unit commander on 10 April 2018. Item 4 (Organization and Station) reflect "35 Infantry Headquarters (IN HQ), Company B Rear."

d. Two (2) DD Forms 261 that reflect the following:

(1) Basis for findings on 22 January 1998 in South Korea, motor vehicle accident, Service Member (SM) driver of vehicle struck by Bradley tank during night maneuvers, findings reflect in the line of duty, form digitally signed by appointing authority on 12 June 2018.

(2) Basis for findings on 1 April 2003 in Afghanistan, deployment to Afghanistan 2003, SM [applicant] reported exposure to IED, being shot at, shooting at, multiple deployments leading to increased stress, findings reflect in the line of duty, form signed by appointing authority on 12 June 2018.

4. Regrading the Combat Infantryman Badge (CIB), the applicant's request is premature as he has not applied for award of the CIB to the appropriate authority and was denied this award. This issue will not be discussed further in this Record of Proceedings. Per Army Regulation (AR) 600-8-22 (Military Awards) Retroactive award of the CIB is authorized for time periods specified above for fully qualified individuals.

a. The wartime command retains wartime awards approval authority for 12 months after redeployment, and can approve award of the CIB for Soldiers who deployed with their command, and qualified for, but did not receive the CIB during the deployment.

b. Soldiers redeployed more than 12 months or reassigned to a command other than their wartime command and qualified for the CIB while deployed may request award through command channels to Commander, U.S. Army Human Resources Command (AHRC-PDP-A), 1600 Spearhead Division Avenue, Fort Knox, KY 40122-5408. Applications for retroactive award to active duty Soldiers and RC Soldiers will be forwarded through command channels to the first general officer (for endorsement) to HRC for processing. The first general officer in the chain of command of the Soldier recommended for award of the CIB may disapprove the recommendation.

(c) All ARNG requests, once endorsed, will be submitted to the Director, (ARNG-HRH-A), 111 South George Mason Drive, Arlington, VA 22204-1373 prior to being submitted to HRC.

(d) Retirees and veterans should address their applications to HRC, ADB for processing. The DA Form 4187 with endorsement by the first general officer is not required. All other criteria must be met.

(e) Requests for retroactive award of the CIB will not be made except where evidence of injustice is presented. Requests submitted under paragraphs 8-6d(2)(b) through (d) must include justification explaining why the CIB was not awarded in theater.

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

a. He enlisted in the Regular Army on 29 February 1996 for a period of three (3) years. He held military occupational specialty 11B, Infantryman. He reenlisted for 4 years on 13 May 1998.

b. DA Form 2-1 (Personnel Qualification Record), Section I – Identification Data, item 5 (Overseas Service) reflects the applicant served a 12-month tour in Korea from 7 November 1997 until 6 November 1998. Based on the applicant's dates served in the Republic of Korea, he is not authorized the Korean Service Medal (KSM); however, he is authorized the Korean Service Defense Medal (KDSM)

c. The applicant was honorably released from active duty and transferred to a Reserve unit in Miami, Florida on 12 September 2002. He served 6 years, 6 months, and 14 days of net active service this period. Item 13 shows:

- Army Commendation Medal (ARCOM)
- Army Achievement Medal (AAM) (4th Award)
- Army Good Conduct Medal (AGCM) (2nd Award)
- National Defense Service Medal (NDSM)
- Kosovo Campaign Medal (2nd Award)
- Noncommissioned Officer Professional Development Ribbon (NCOPDR)
- Army Service Ribbon (ASR)
- Overseas Service Ribbon (OSR) (2nd Award)
- Army Lapel Button
- NATO Medal (Yugoslavia)
- Driver and Mechanic Badge

d. The applicant's service record found in the Interact Personnel Electronic Records Management System (iPERMS) is void of a copy of the 16 March 2004 enlistment/reenlistment agreement.

e. The applicant entered active duty on 2 January 2003. His record is void of mobilization orders that reflect the unit in which the applicant was assigned/attached to while in support of Operation Noble Eagle/Enduring Freedom. Furthermore, the applicant did not provide documentary evidence that he satisfactorily performed duty while assigned or attached as a member of an infantry, ranger or special forces unit of brigade, regimental, or smaller size during any period such unit was engaged in active ground combat, to close with and destroy the enemy with direct fires.

f. The applicant was released from active duty and transferred to Orlando, FL on 16 September 2003, upon completion of his active duty service. His DD Form 214 for this period of service shows he served in support of Operation Noble Eagle/Enduring Freedom in Afghanistan from 28 April 2003 to 22 July 2003. Item 13 shows he was awarded or authorized: ARCOM / AAM (4th Award) / AGCM (2nd Award) / NDSM /

Kosovo Campaign Medal (2nd Award) / NCOPDR / ASR / OSR (2nd Award) / Army Lapel Button / NATO Medal (Yugoslavia) / Driver and Mechanic Badge.

g. Based on the applicant's service in support of Operation Noble Eagle/Enduring Freedom and per AR 600-8-22, paragraph 2-17, he is authorized the Afghanistan Campaign Medal; however, under no condition will he receive the ACM, the GWOTEM, the GWOTSM, or the AFEM for the same action, time period, or Service.

h. The applicant's DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), dated 5 February 2005, reflects the applicant voluntarily extended his current enlistment/reenlistment agreement of 16 March 2004 for a period of six (6) years, adjusting his current ETS of 3 March 2005 to 3 March 2011.

i. The applicant was honorably discharged from the Army National Guard of Florida and as a Reserve of the Army on 15 March 2011, under the provisions of AR 600-200, paragraph 6-35a, expiration of term of service (ETS). He served 8 years, 6 months, and 3 days of net service this period.

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

BOARD DISCUSSION:

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.

a. Afghanistan Campaign Medal with one bronze service star: Grant. The evidence shows he served in Afghanistan, through one campaign, from 28 April 2003 to 22 July 2003. The Board determined he meets the criteria.

b. Korea Defense Service Medal: Grant. The evidence of record shows the applicant served in Korea from 7 November 1997 until 6 November 1998. The Board determined he meets the criteria.

c. Global War on Terrorism Expeditionary Medal. Deny. By regulation, under no condition will he receive the Afghanistan Campaign Medal and Global War on Terrorism Expeditionary Medal for the same action, time period, or Service. The Board determined he is ineligible.

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 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 adding to his DD Form 214, ending on 16 September 2003:

- Afghanistan Campaign Medal with one bronze service star
- Korea Defense Service Medal

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 Global War on Terrorism Expeditionary Medal.



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 (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 2–17 states, individuals authorized the Afghanistan Campaign Medal (ACM) must have served in direct support of OEF from 11 September 2001 to 31 December 2014, and Operation FREEDOM's SENTINEL (OFS) from 1 January 2015 to a future date to be determined. Servicemembers must have been assigned, attached, or mobilized to units operating in the AOE for 30 consecutive days or for 60 nonconsecutive days. The following rules apply to award the ACM:

- The ACM may be awarded posthumously
- Only one award of this medal may be authorized for any individual
- Under no condition will personnel or units receive the ACM, the GWOTEM, the GWOTSM, the ICM, or the AFEM for the same action, time period, or Service

b. Paragraph 2–20 states, the Global War on Terrorism Expeditionary Medal (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. Paragraph 2–22 states, the Korea Defense Service Medal (KDSM) is authorized for award to Servicemembers of the Armed Forces of the United States who have served on active duty in support of the defense of the Republic of Korea. Servicemembers must have been assigned, attached, or mobilized to units operating in the AOE for 30 consecutive or for 60 nonconsecutive days. The AOE and period of eligibility are as follows:

- The AOE encompasses all land area of the Republic of Korea, and the contiguous water out to 12 nautical miles, and all airspaces above the land and water areas
- The period of eligibility is 28 July 1954 to a date to be determined by the SECDEF

d. Paragraph 2–27a states, the Korean Service Medal is awarded for service between 27 June 1950 and 27 July 1954, under any of the following conditions:

- Within the territorial limits of Korea or in waters immediately adjacent thereto
- With a unit under the operational control of the Commander in Chief, Far East, other than one within the territorial limits of Korea, which has been designated by the Commander in Chief, Far East, as having directly supported the military efforts in Korea
- Was furnished an individual certificate by the Commander in Chief, Far East, testifying to material contribution made in direct support of the military efforts in Korea

e. Paragraph 8-6b states, the Combat Infantryman Badge is awarded to infantry officers and to enlisted and warrant officer persons who have an infantry military occupational specialty (MOS). On or after 18 September 2001, a Soldier must be an Army infantry or special forces officer (SSI 11 or 18) in the grade of colonel or below, or an Army enlisted Soldier or warrant officer with an infantry or special forces MOS, who has satisfactorily performed duty while assigned or attached as a member of an infantry, ranger or special forces unit of brigade, regimental, or smaller size during any period such unit was engaged in active ground combat, to close with and destroy the enemy with direct fires.

f. Paragraph 8-6b(5)(b) also provides, in pertinent part, that a Soldier must be personally present and under hostile fire while serving in an assigned infantry or special forces primary duty position, in a unit actively engaged in ground combat with the enemy. Improvised explosive device (IED), vehicle-borne IED (VBIED), and the like are direct fire weapons. While no fixed, qualifying distance from an explosion of these devices can be established, a commander should consider the entirety of the combat situation when considering award of the CIB.

g. Paragraph 8-6d(2)(c) states, all ARNG requests, once endorsed, will be submitted to the Director, (ARNG–HRH–A), 111 South George Mason Drive, Arlington, VA 22204–1373 prior to being submitted to HRC.

//NOTHING FOLLOWS//