

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 January 2024

DOCKET NUMBER: AR20230007163

APPLICANT REQUESTS: award of the:

- Overseas Service Ribbon
- Army Achievement Medal
- Army Good Conduct Medal
- American Defense Service Medal
- Armed Forces Expeditionary Medal
- Iraq Campaign Medal
- Armed Forces Service Medal

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

- DD Form 149 (Application for Correction of Military Record)
- 2 DD Forms 214 (Certificate of Release or Discharge from Active Duty)
- DD Form 215 (Correction to DD Form 214)

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 fulfilled the obligations and standards required for the awards. He did not understand until recently since he has been incarcerated the past 16 years with no internet access. Throughout his active duty and Reserve service he never received a negative action. He was a good worker and complete Soldier, and he believes the Army was the only thing he ever did right in his life.
3. Regarding award of the Army Achievement Medal, the applicant's request is premature. Army Regulation (AR) 600-8-22 (Military Awards) prescribes Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards. Paragraph 1-14 of this regulation states, except for award recommendations submitted in accordance with the provisions of Section 1130, Title 10,

United States Code (10 USC 1130), which is outlined below, each recommendation for an award of a military decoration must be entered administratively into military channels within 2 years of the act, achievement, or service to be honored, except for the Medal of Honor, Distinguished Service Cross, and Distinguished Service Medal. An award recommendation will be considered to have been submitted into military channels when it has been signed by the initiating officer and endorsed by a higher official in the chain of command. However, pursuant to 10 USC 1130, a Member of Congress can request consideration of a proposal for the award or presentation of decoration (or the upgrading of a decoration), either for an individual or unit, that is not otherwise authorized to be presented or awarded due to limitations established by law or policy. Based upon such review, the Secretary of the Army will make a determination as to the merit of approving the award or presentation of the decoration and other determinations necessary to comply with congressional reporting requirements under 10 USC 1130.

a. 10 USC 1130 allows the Service Secretary concerned to review a proposal for the award of, or upgrading of, a decoration that is otherwise precluded from consideration by limitations established by law or policy. To request an award under Title 10 USC 1130, the member must submit a DA Form 638 (Recommendation for Award).

b. The DA Form 638 should clearly identify your unit, the period of assignment, and the award being recommended. A narrative of the actions or period for which the member is requesting recognition must accompany the DA Form 638. In addition, the award request should be supported by sworn affidavits, eyewitness statements, certificates, and related documents. Corroborating evidence is best provided by commanders, leaders, and fellow Soldiers who had personal (i.e., eyewitness) knowledge of the circumstances and events relative to the request.

c. 10 USC 1130 also requires that a request of this nature be referred to the Service Secretary from a Member of Congress. Therefore, the requestor must submit their request through a Member of Congress who will send it to the United States Army Human Resources Command, ATTN: AHRC-PDP-A, 1600 Spearhead Division Avenue, Fort Knox, KY 40122. The burden and costs for researching and assembling documentation to support approval of requested awards and decorations rest with the requestor.

d. If the applicant chooses to pursue an upgrade of the award(s) requested by submitting a request under the provisions of Title 10 USC 1130, and his request is subsequently denied by the United States Army Human Resources Command, he may reapply to the ABCMR. Therefore, the Army Achievement Medal will not be discussed further in this Record of Proceedings.

4. Regarding award of the American Defense Service Medal, this medal is awarded for service between 8 September 1939 and 7 December 1941 under orders to active duty for a period of 12 months or longer. The applicant clearly did not serve between 1939 and 1941. Therefore, the American Defense Service Medal will not be discussed further in this Record of Proceedings.

5. Regarding the Armed Forces Expeditionary Medal and Armed Forces Service Medal, the applicant did not specify what U.S. military operations, U.S. operations in direct support of the United Nations (UN), or U.S. operations of assistance for friendly foreign nations, that qualify him for either award. Without additional information and specific operation and/or time frame, the Board is unable to address these two awards. Therefore, the Armed Forces Expeditionary Medal and Armed Forces Service Medal will also not be discussed further in this Record of Proceedings.

6. Review of the applicant's service records shows:

a. The applicant enlisted in the U.S. Army Reserve (USAR) on 10 July 1997, in the rank/grade of private/E-1. He entered active duty for training (ADT) on 1 October 1997. On 1 April 1998, he was honorably released from ADT upon the completion of his required active service and award of military occupational specialty 63B (Light Wheeled Vehicle Mechanic).

b. His DA Form 2-1 (Personnel Qualification Record) shows he performed temporary duty in Guatemala from 11 June to 27 June 1999 (17 days).

c. On 15 March 2003, he entered active duty in support of Operation Enduring Freedom. Evidence shows he served in Kuwait from 14 May to 9 June 2003 and in Iraq from 9 June 2003 to 27 April 2004 (a period of 10 months and 19 days).

d. On 8 June 2004, he was honorably released from active duty in the rank/grade of specialist/E-4. The DD Form 214 he was issued shows he completed 1 year, 2 months, and 24 days of active service. He was awarded or authorized the:

- Army Commendation Medal
- Army Reserve Components Achievement Medal (2nd Award)
- National Defense Service Medal
- Global War on Terrorism Expeditionary Medal
- Global War on Terrorism Service Medal
- Humanitarian Service Medal
- Armed Forces Reserve Medal with "M" Device
- Army Service Ribbon
- Army Reserve Components Overseas Training Ribbon (2nd Award)
- Driver and Mechanic Badge

- e. On 5 July 2005, he was honorably discharged from the USAR.
- 7. On 7 December 2012, his DD Form 214 was corrected by DD Form 215 by adding a Meritorious Unit Commendation.
- 8. There is no evidence in the available records that shows he was awarded the Army Good Conduct Medal; neither is there evidence of a commander's disqualification for the award. Additionally, there is no evidence of any convictions by courts-martial or receipt of nonjudicial punishment under Article 15, Uniform Code of Military Justice.
- 9. 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.

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. Overseas Service Ribbon: By regulation, Iraq is considered isolated an area where tour length has not been established by DOD; therefore, the Army gives equivalent credit for periods of change of station/tour of duty. The proponent of the Overseas Service regulation and/or the U.S. Army Human Resources Command consider Soldiers who serve a minimum of 11 cumulative months or 9 continuous months in Iraq in a temporary change of station/tour of duty status receive credit for a complete short tour. The applicant served in Kuwait/Iraq from 14 May to 27 April 2004 (a period of 10 months and 19 days). He qualifies for award of the Overseas Service Ribbon.
- b. The evidence of record shows the applicant served on active duty from 15 March 2003 to 8 June 2004, completing 1 year, 2 months, and 24 days of active service with no lost time. His service record contains no derogatory information or a memorandum from his commander that disqualified him from receiving the first award of the Army Good Conduct Medal. The Board determined he meets the criteria for the Army Good Conduct Medal (1st Award).
- c. Iraq Campaign Medal: The applicant was awarded the Global War on Terrorism Expeditionary Medal for his deployment to Kuwait/Iraq in support of Operation Iraqi Freedom. By regulation, under no condition will personnel or units receive the Iraq Campaign Medal, the Global War on Terrorism Expeditionary Medal, the Global War on

Terrorism Service Medal, the Afghanistan Campaign Medal, or the Armed Forces Expeditionary Medal for the same action, period, or service.

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:

- awarding him the Army Good Conduct Medal (1st Award) for service during the period 15 March 2003 through 8 June 2004,
- adding to his DD Form 214 the Overseas Service Ribbon and Army Good Conduct Medal (1st Award)

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 Iraq Campaign Medal.

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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 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. There is no right or entitlement to the medal until the immediate commander has approved the award and the award has been announced in permanent orders. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified.

b. The Army Achievement Medal is awarded to any member 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 Iraq Campaign Medal is awarded to members who have served in direct support of Operation Iraqi Freedom. The area of eligibility encompasses all the land area of the country of Iraq, 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 Iraq Campaign Medal period of eligibility is on or after 19 March 2003 through 31 December 2011. Service members must have been assigned, attached, or mobilized to units operating in the area of eligibility for 30 consecutive days or for 60 non-consecutive days or meet one of the following criteria: (1) be engaged in combat during an armed engagement, regardless of the time in the area of eligibility while participating in an operation or on official duties, (2) is wounded or injured and requires medical evacuation from the area of eligibility, or (3) while participating as a regularly assigned air crewmember flying sorties into, out of, within or over the area of eligibility in direct support of the military operations. Only one award of this medal may be authorized for any individual, and under no condition will personnel or units receive the Iraq Campaign Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Afghanistan Campaign Medal, or the Armed Forces Expeditionary Medal for the same action, period, or service.

d. The American Defense Service Medal is awarded for service between 8 September 1939 and 7 December 1941 under orders to active duty for a period of 12 months or longer.

e. The Armed Forces Expeditionary Medal is authorized for qualifying service after 1 July 1958 in military operations within specific geographic areas during specified time periods. An individual, who was not engaged in actual combat or equally hazardous activity, must have been a bona fide member of a unit participating in, or be engaged in the direct support of, the operation for 30 consecutive or 60 nonconsecutive days provided this support involved entering the area of operations. Tables 2-3, 2-4, and 2-5 address the Armed Forces Expeditionary Medal.

f. The Armed Forces Service Medal may be awarded to members of the Armed Forces of the United States for operations for which no other U.S. campaign or service medal is approved and who, after 1 June 1992 participate or have participated as members of U.S. military units in a U.S. military operation deemed to be a significant activity and encounter no foreign armed opposition or imminent threat of hostile action. Service members must be bona fide members of a unit participating in or engaged in direct support of the operation for 30 consecutive days in the area of eligibility (or for the full period when an operation is of less than 30 days' duration) or 60 nonconsecutive days provided this support involves entering the area of eligibility or meet the following criteria:

(1) While participating as a regularly assigned aircrew member, accumulates 15 days service (consecutive/nonconsecutive flying sorties into, out of, within, or over the area in direct support of the military operations

(2) One day's service is credited for the first sortie flown on any day. Additional sorties flown on the same day receive no further credit

g. Because the Armed Forces Service Medal may be awarded for a prolonged humanitarian operation, distinction between the Armed Forces Service Medal and the Humanitarian Service Medal must be maintained. The following rules apply:

(1) The Humanitarian Service Medal is an individual U.S. service medal, presented to individuals who are physically present at the site of immediate relief and who directly contribute to and influence the humanitarian action. The Humanitarian Service Medal is only awarded for service during the identified "period of immediate relief"; eligibility for the Humanitarian Service Medal terminates and transitions to the Armed Forces Service Medal or the Armed Forces Expeditionary Medal, when the humanitarian action transitions into an "established ongoing operation beyond the initial emergency condition."

(2) The Armed Forces Service Medal is a theater award, authorized for presentation to all participants who meet the eligibility requirements established for a designated operation.

(3) For operations in which all deployed participants are awarded the Humanitarian Service Medal and for which the "period of immediate relief" coincides with the duration of significant deployed operations, award of the Armed Forces Service Medal is not authorized.

h. The Overseas Service Ribbon, established by the Secretary of the Army on 10 April 1981, is awarded to Soldiers of the U.S. Army for successful completion of overseas tours. Effective 1 August 1981, all Soldiers of the Regular Army, Army National Guard, and USAR in an active Reserve status are eligible for this award. Soldiers must be credited with a successful completion of an overseas tour in accordance with Army Regulation 614-30 (Overseas Service).

3. Army Regulation 614-30 provides that Iraq and Afghanistan are considered isolated areas where tour lengths have not been established by Department of Defense; therefore, the Army gives equivalent credit for periods of change of station/tour of duty. However, the proponent of this regulations has previously provided guidance to the Army Human Resources Command stating that Soldiers who serve a minimum of 11 cumulative months or 9 continuous months in Iraq in a temporary change of station/tour of duty status get credit for a complete short tour.

//NOTHING FOLLOWS//