

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 5 January 2024

DOCKET NUMBER: AR20230007275

APPLICANT REQUESTS: in effect, correction of his records by:

- reflecting his deployment to Afghanistan from 26 March to 28 April 2014
- providing combat pay
- adding deployment awards

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

- DD Form 149 (Application for Correction of Military Record)
- Orders: BG-070-0014, U.S. Army Installation Management Command, 11 March 2014
- Memorandum for Record (MFR), 82nd Sustainment Brigade, 21 April 2014
- My HealthVet Personal Information Report, 8 April 2023
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- DD Form 215 (Correction to DD Form 214)
- Travel Sheet, XVIII Airborne Corps and Fort Bragg Installation Transportation Branch
- Customer Registration and Subscriber Agreement
- Redeployment, Post-Deployment and Reconstitution Checklist

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 was deployed to Afghanistan and never received combat pay. He knew at the time that he was not receiving combat pay but he let it go because it was only one month. He requests the pay be deposited into his Uniformed Services Thrift Savings Plan account. He recently discovered some of his records show he served in Kuwait instead of Afghanistan. He requests the correction be made to accurately reflect where he served.

3. The Board will not consider the applicant's request for combat pay at this time, as there is no evidence he exhausted his administrative remedies by making application to the Defense Finance and Accounting Service. The applicant may reapply to the Board if, after making application to the Defense Finance and Accounting Service, his requested relief is denied. The applicant must provide the Board with evidence of the denial, such as a denial letter if he reapplies to the Board on this matter.

4. On 11 May 2012, the applicant was appointed as a Reserve Commissioned Officer and executed an oath of office on the same day. He entered active duty on 18 May 2012.

5. The applicant provides a/an:

a. Temporary change of station order which shows he was to proceed on or about 25 March 2014 in support of Operation Enduring Freedom - Afghanistan.

b. MFR from the Commander, 82nd Sustainment Brigade, Kandahar Airfield, Afghanistan approving his permanent release from theater due to administrative release. Effective date of release is listed as 21 April 2014.

6. On 31 January 2015, he was honorably discharged from active duty. His DD Form 214 shows he completed 2 years, 8 months, and 13 days of active service with no foreign service. It also shows that he was awarded or was authorized the:

- National Defense Service Medal
- Global War on Terrorism Service Medal
- Army Service Ribbon
- Overseas Service Ribbon
- Parachutist Badge

7. The applicant also provides a/an:

a. My HealthVet Personal Information Report, 8 April 2023, produced by the Department of Veterans Affairs which notes that he was deployed to Kuwait from 27 March to 25 April 2014.

b. Travel Sheet showing travel arrangements created on 4 March 2014 by the Installation Transportation Branch, Fort Bragg, NC, which shows his projected arrival date in Afghanistan as 0145 hours, 27 March 2014, a registration document for his purchase of an Afghan SIM card upon his arrival in Afghanistan, and documents related to his processing upon redeployment.

8. During the processing of this case, the Defense Finance and Accounting Service (DFAS) reviewed his Master Military Pay Account which appears to show that he did not receive hostile fire pay/imminent danger pay for service in Afghanistan during the period in question. **(Note: DFAS only verifies receipt of hostile fire/imminent danger pay. DFAS does not verify inclusive dates of deployed service or deployment locations beyond the first qualifying country (e.g., Kuwait versus Iraq/Afghanistan). DFAS pay records are not considered "source documents," but may be considered as supporting documents leading to a preponderance of the evidence. A second source document is required.)**

9. Army Regulation 635-8 (Separation and Processing and Documents), establishes the standardized policy for preparing and distributing the DD Form 214. Chapter 5 contains guidance on the preparation of the DD Form 214, to include entering foreign service and remarks pertaining to deployment locations and through dates.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that a portion of the requested relief was warranted. The Board carefully considered the applicant's contentions, the military record, and regulatory guidance. The Board agreed that documentation available for review indicated that the applicant had been deployed in support the mid-east conflict /Post-9/11. Documentation shows that the applicant had multiple brief periods of foreign service in multiple areas within the larger area of conflict. After due consideration of the case, the Board determined the evidence presented sufficient to warrant a recommendation for partial relief.

2. The Board did not consider the applicant's request for combat pay at this time, as there is no evidence the applicant exhausted his administrative remedies by making application to the Defense Finance and Accounting Service.

3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

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 amending his DD214 for the period end 31 January 2015 showing in item 18 (Remarks):

- FOREIGN SERVICE 26 MARCH 21 – 21 APRIL 21

2. The Board further determined the evidence presented is insufficient to warrant a portion of the applicant's request pertaining to deployment awards. As a result, the Board recommends denial of so much of the application that pertains to deployment awards.

█

█ █

---

█

█

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): make the following administrative correction to the applicant's DD Form 214 for the period ending on 31 January 2015 without action by the

Board by deleting the entry in block 2 (Department, Component and Branch) and adding the entry, "ARMY/USAR/TC."

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 635-8, establishes the standardized policy for preparing and distributing the DD Form 214. Chapter 5 contains guidance on the preparation of the DD Form 214, to include entering foreign service and remarks pertaining to deployment locations and through dates:

a. block 2 (Department, Component, Branch) Department will be "Army." Authorized entries for component are "RA," "ARNGUS," or "USAR," for USMA cadets, enter "Army-USMA-Cadet." Branch codes do not apply to enlisted personnel.

b. block 12f (Foreign Service) enter the total amount of service performed OCONUS during the period covered by the DD Form 214, to include deployments. List periods of deployed service in block 18 (Remarks).

c. block 18 (Remarks) for an active duty Soldier, list any/all OCONUS deployments completed during the period of the DD Form 214 being created, the statement "Service in (Name of Country Deployed) From (inclusive dates)."

3. Army Regulation 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. The Afghanistan Campaign Medal is awarded to members who have served in direct support of Operation Enduring Freedom (OEF). The area of eligibility encompasses all the land area of the country of Afghanistan and all air spaces above the land area. The period of eligibility is on or after 11 September 2001 to 31 December 2014, and Operation Freedom's Sentinel from 15 January 2015 to a future date to be determined by the Secretary of Defense or the cessation of OEF. Servicemembers must have been assigned, attached, or mobilized to units operating in the area of eligibility (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.

4. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//