

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 16 January 2024

DOCKET NUMBER: AR20230007294

APPLICANT REQUESTS: correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show her six-month deployment to Tikrit, Iraq.

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

- DD Form 149 (Application for Correction of Military Record)
- Official Military Personnel File (OMPF)

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 enlisted in the Regular Army on 13 March 2003. She served in military occupational specialty 42L (Administrative Specialist).
3. Her record contains notes and continuations pages from a DA Form 2627 (Nonjudicial punishment under the provisions of Article 15, Uniform Code of Military Justice (UCMJ)) which addresses indiscipline, which occurred at FOB Ironhorse, Camp Speicher, Tikrit, Iraq, on or about 8 January 2004.
4. On 17 June 2004, she was honorably discharged due to pregnancy. The DD Form 214 she was issued does not list her foreign service or show she was deployed to Iraq; however, it does show she was awarded or authorized the:
  - Army Lapel Button
  - Global War on Terrorism Expeditionary Medal
  - Global War on Terrorism Service Medal
  - National Defense Service Medal
  - Army Service Ribbon

5. During the processing of this case, the Defense Finance and Accounting Service (DFAS) provided her Master Military Pay Account, which shows service in Kuwait. Evidence shows she received Hostile Fire/Imminent Danger Pay (HF/IDP) from 18 September 2003 to 16 March 2004 (a period of 5 months and 28 days). (Note: DFAS only verifies receipt of HF/IDP. DFAS does not verify inclusive dates of deployed service or deployment locations beyond the first qualifying country (e.g., Kuwait versus Iraq). 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).

6. 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:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence of record shows the applicant was awarded the GWOTEM and one of her official documents (NJP) addresses indiscipline, which occurred at FOB Ironhorse, Camp Speicher, Tikrit, Iraq, on or about 8 January 2004. Additionally, DFAS verified that the applicant received Hostile Fire/Imminent Danger Pay (HF/IDP) from 18 September 2003 to 16 March 2004 (a period of 5 months and 28 days for service in Kuwait. The Board determined there is sufficient evidence to show she served in Kuwait/Iraq and this combat service should be listed on her DD Form 214.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by adding to her DD Form 214 the entries in:

- Block 12f (Foreign Service) 0000-05-28
- Block 18 (Remarks) the entry Service in Kuwait/Iraq from 18 September 2003 to 16 March 2004.

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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 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:
  - 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)
  - block 18 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. 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//