

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 January 2024

DOCKET NUMBER: AR20230007457

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his foreign service in Iraq during Operation Desert Storm and the associated awards.

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

- DD Form 149 (Application for Correction of Military Record), 26 March 2023
- Department of Veteran Affairs (VA) Rating Decision, 24 August 2022
- DD Form 214, for the period ending 8 June 1992
- Chapter 8 Book Excerpt, *One Hundred Hours*

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:

a. His service record does not reflect his service in Iraq during Operation Desert Storm.

b. He was assigned to 1st Battalion, 5th Air Defense Artillery, 24th Infantry Division in Fort Stewart, GA. His unit crossed into Iraq and drove for 3 days to the Euphrates River valley to block the Iraqi forces trying to escape from Kuwait. His unit also attacked the Iraqi airfields of Jabbar and Talil and highway 8; also known as the highway of death. They came in contact with thousands of Iraqi militaries and civilian personnel that were dead or in burning vehicles from the Apache chopper attacks. He still has nightmares.

c. His recent claim for post-traumatic stress disorder (PTSD) was denied by the VA. The VA's letter states that he performed service in Saudi Arabia from August 1990 to

April 1991 and that his record did not reveal awards that show actual participation in combat.

d. The applicant identified PTSD as an issue/concern related to his request.

3. The applicant provides:

a. An excerpt from the book titled *One Hundred Hours*, which shows in part, the 24th Infantry Division had the central role of blocking the Euphrates River valley to prevent the escape north of Iraqi forces in Kuwait and then attacking east in coordination with VII Corps to defeat the armor-heavy divisions of the Republican Guard Forces Command.

b. His VA rating decision letter, dated 24 August 2022, which shows the applicant served in Saudi Arabia from 29 August 1990 to 11 April 1991.

4. The applicant's records contain sufficient evidence to support adding additional awards and/or information not shown on his DD Form 214. His DD Form 214 will be administratively corrected without Board action.

5. On 6 July 1984, the applicant enlisted in the Regular Army.

6. His DA Form 2-1 (Personnel Qualification Record – Part II) shows in:

a. Item 5 (Overseas Service): service in Germany from 5 December 1981 to 30 May 1986, service in Germany from 5 November 1987 to 2 November 1989, and service in Saudi Arabia from 29 August 1990 to 11 April 1991.

b. Item 9 (Awards, Decorations and Campaigns) –

- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- Sharpshooter Marksmanship Qualification Badge with Hand Grenade Bar
- Army Service Ribbon
- Overseas Service Ribbon
- Army Achievement Medal (2nd Award)
- Army Good Conduct Medal
- Driver Mechanic Badge
- Army Commendation Medal
- National Defense Service Medal
- Southwest Asia Service Medal with two bronze service stars
- Noncommissioned Officer Professional Development Ribbon with Numeral 1

c. Item 27 (Remarks): IAW 021900Z Mar91, DAPE-HR-S Duty in Imminent Danger Pay Area (Southwest Asia) 29 August 1990 to 11 April 1991.

d. Item 35 (Record of Assignments): shows in pertinent part, on 11 December 1989, the applicant was assigned to 1st Battalion, 5th Air Defense Artillery, 24th Infantry Division in Fort Stewart, GA.

7. On 8 June 1992, he was honorably discharged from active duty. His DD Form 214 shows he completed 7 years, 11 months, and 3 days of active service. It also shows in:

a. Item 12f (Foreign Service): 3 years, 11 months, and 29 days.

b. Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized):

- Army Service Ribbon
- National Defense Service Medal
- Army Lapel Button
- Southwest Asia Service Medal with two bronze service stars
- Army Good Conduct Medal (1st Award)
- Overseas Service Ribbon (2nd Award)
- Sharpshooter Marksmanship Qualification with Rifle Bar
- Sharpshooter Marksmanship Qualification Badge with Grenade Bar
- Army Achievement Medal (1st Oak Leaf Cluster)
- NCO Professional Development Ribbon
- Army Commendation Medal
- Driver and Mechanic Badge for wheeled vehicles
- Kuwait Liberation Medal.

c. Item 18 (Remarks): no entry for deployment.

8. A review of the Gulf War Roster shows the applicant served in the Gulf War from 1 October 1990 to 11 April 1991.

9. By regulation, the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The specific instructions for:

- Item 12f: enter the amount of service performed outside the continental U.S. during the period covered in item 12c (Net Active Service This Period) to include deployments. Additionally list periods of deployed service in block 18 (Remarks)
- Item 13: list all federally recognized awards and decorations for all periods of service

- Item 18: for active-duty Soldiers deployed with their unit during their continuous period of active service, enter "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive date)"

10. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting correction of his DD Form 214 to show his foreign service during Operation Desert Storm and the associated awards.

b. The specific facts and circumstances of the case can be found in the ABCMR Record of Proceedings (ROP). Pertinent to this advisory are the following: 1) The applicant enlisted in the Regular Army on 6 July 1984; 2) The applicant served in Saudi Arabia from 29 August 1990 to 11 April 1991; 3) On 8 June 1992, he was honorably discharged from active duty.

c. The Army Review Board Agency (ARBA) Medical Advisor reviewed the supporting documents and the applicant's military service records. The VA's Joint Legacy Viewer (JLV) was also examined. No additional medical documentation was provided for review.

d. There was insufficient evidence the applicant reported symptoms of a mental health condition including PTSD, while on active service. A review of JLV provided evidence the applicant began engaging in behavioral health care at the VA since 2022 for symptoms of anger, depression, and anxiety. The applicant has been diagnosed PTSD, Major Depressive Disorder, and Anxiety Disorder unspecified. These conditions have been attributed to his current stressors, physical concerns, and the applicant's reported military experiences. However, the applicant has not been diagnosed with a service-connected mental health condition including PTSD, and he does not receive any disability related to a mental health condition.

e. Based on the available information, it is the opinion of the Agency BH Advisor that there is evidence the applicant has reported and is being treated for mental health symptoms in part due to his report of exposure to combat. However, the applicant has been denied service-connected disability for any mental health condition.

Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? N/A, there is evidence the applicant has reported and is being treated for mental health symptoms in part due to his report of exposure to combat. However, the applicant has been denied service-connected disability for any mental health condition.

(2) Did the condition exist or experience occur during military service? N/A

(3) Does the condition or experience actually excuse or mitigate the discharge? N/A

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and medical review, the Board concurred with the advising official finding insufficient evidence the applicant reported symptoms of a mental health condition including PTSD, while on active service. The opine noted a review of JLV provided evidence the applicant began engaging in behavioral health care at the VA since 2022 for symptoms of anger, depression, and anxiety. The applicant has been diagnosed PTSD, Major Depressive Disorder, and Anxiety Disorder unspecified. However, the applicant has been denied service-connected disability for any mental health condition.

2. The Board noted, there is insufficient evidence to show the applicant was in Iraq. Evidence shows the applicant served in Saudi Arabia from 29 August 1990 to 11 April 1991. This board is not an investigative body. The Board determined despite the absence of the applicant's records verifying he was in Iraq, they agreed the burden of proof rest on the applicant, however, he did not provide any supporting documentation and his service record has insufficient evidence to support the applicant contentions to show his foreign service in Iraq during Operation Desert Storm. Based on this, the Board denied relief.

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:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, the Board found the evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

2/6/2024

X [REDACTED]

CHAIRPERSON
[REDACTED]

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:

The applicant's records contain sufficient evidence to support corrections not shown on his DD Form 214. His DD Form 214 for the period ending 8 June 1992, will be administratively corrected without Board action by:

- a. Adding to item 13:
 - "Kuwait" to his previously awarded Kuwait Liberation Medal
 - Kuwait Liberation Medal-Saudi Arabia

- b. Adding to item 18: Service in Saudi Arabia from 19 August 1990 to 11 April 1991.

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 635-5 (Separation Documents), states the DD Form 214 (Certificate of Release or Discharge from Active Duty) is a summary of the Soldier's most recent period of continuous active duty. The specific instructions for:

- Item 12f (Foreign Service) states enter the amount of service performed outside the continental U.S. during the period covered in item 12c (Net Active Service This Period) to include deployments. Additionally list periods of deployed service in block 18 (Remarks)
- Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) states list all federally recognized awards and decorations for all periods of service
- Item 18 (Remarks) states for active-duty Soldiers deployed with their unit during their continuous period of active service, enter "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive date)"

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

a. The Southwest Asia Service Medal is awarded to members of the Armed Forces of the United States serving in Southwest Asia and contiguous waters or airspace there over, on or after 2 August 1990 to 30 November 1995. A bronze service star is authorized for wear with this medal for participation in each credited campaign. Approved designated campaigns are:

- Defense of Saudi Arabia (2 August 1990 to 16 January 1991)
- Liberation and Defense of Kuwait (17 January to 11 April 1991)
- Cease-Fire Campaign (12 April 1991 to 30 November 1995)

b. The Kuwait Liberation Medal awarded by the Kingdom of Saudi Arabia (KLM-SA) was approved on 3 January 1992 and is awarded to members of the Armed Forces of the United States who participated in the Persian Gulf War between 17 January 1991 and 28 February 1991.

c. The Kuwait Liberation Medal awarded by the Government of Kuwait (KLM-K) was approved on 9 November 1995 and is awarded to members of the Armed Forces of the United States who participated in the Persian Gulf War between 2 August 1990 and 31 August 1993.

4. Section 1556 of Title 10, United States Code, requires the Secretary of the Army to ensure that an applicant seeking corrective action by the Army Review Boards Agency (ARBA) be provided with a copy of any correspondence and communications (including summaries of verbal communications) to or from the Agency with anyone outside the Agency that directly pertains to or has material effect on the applicant's case, except as

authorized by statute. ARBA medical advisory opinions and reviews are authored by ARBA civilian and military medical and behavioral health professionals and are therefore internal agency work product. Accordingly, ARBA does not routinely provide copies of ARBA Medical Office recommendations, opinions (including advisory opinions), and reviews to Army Board for Correction of Military Records applicants (and/or their counsel) prior to adjudication.

//NOTHING FOLLOWS//