

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 February 2024

DOCKET NUMBER: AR20230007618

APPLICANT REQUESTS: in effect, correction of item 12f (Foreign Service) on his DD Form 214 (Certificate of Release or Discharge from Active Duty), ending on 27 January 1995, to show years, months, and days of service.

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

- DD Form 149 (Application for Correction of Military Record)
- Photos that appear to him
- U.S. Army Central Command Training and Security - Kuwait, Guardian of Freedom Certificate, 15 December 1993
- DA Form 638-1 (Recommendation for Award (For Other Than Valor) of Army Achievement Medal (AAM), Army Commendation Medal (ARCOM), and Meritorious Service Medal (MSM)), 19 October 1994
- DD Form 214, 27 January 1995

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 his DD Form 214 item 12f (Foreign Service) is missing dates of service. He is applying for a federal job and registering for the "Airborne Hazards and Open Burn Pit Registry."
3. This case contains administrative corrections awarding the applicant the Army Good Conduct Medal and Army Achievement Medal.
4. A review of the applicant's military records show the following:
  - a. He enlisted in the Regular Army on 1 October 1992.
  - b. DA Form 2-1 (Personnel Qualification Record (PQR) - Part II) shows in:

- item 5 (Oversea Service) – no entry
- item 9 (Awards, Decorations and Campaigns) – National Defense Service Medal and Army Service Ribbon
- item 35 (Record of Assignments) – no overseas or deployment assignments

c. DA Form 2A (PQR, Part I) prepared on 15 June 1993, shows in item 16 (Last Combat Tour/Date) "None Z."

d. His record contains an Army Achievement Medal certificate, Permanent Orders Number 2-001, dated 24 January 1995, which shows he was awarded the Army Achievement Medal.

e. On 27 January 1995, DD Form 214 shows the applicant was honorably released from active duty and transferred to the U.S. Army Reserve Control Group (Reinforcement). He completed 2 years, 3 months, and 27 days net active service. It also shows in:

- block 12f (Foreign Service) – the entry "00 00 00"
- block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) –
  - National Defense Service Medal
  - Army Service Ribbon
  - Sharpshooter Marksmanship Badge Grenade
  - Marksman Marksmanship Badge Rifle (M-16)
- block 18 (Remarks) – no entry for a deployment

f. On 30 January 1995, the Delta Detachment, 546th Personnel Service Battalion, 3d Armored Cavalry Regiment, Fort Bliss, TX, published Permanent Orders Number 4-11, which awarded the applicant the Army Good Conduct Medal (1st Award).

5. In support of his case, the applicant provides:

a. Photos that appear to show him on departure and return deployment flights, and in Camp Doha, Kuwait.

b. U.S. Army Central Command Training and Security - Kuwait, Guardian of Freedom certificate, dated 15 December 1993, which shows the applicant served during Operation Southern Watch in Kuwait.

c. DA Form 638-1 dated 19 October 1994, which shows the applicant was awarded the Army Achievement Medal, as an expiration term of service award. In pertinent part,

it states, because of his proficiency as a combat engineer, his actions during two Troop Fights, two National Training Center rotations, two Regimental Field Training Exercises, one Sapper Stakes competition, and "a deployment to Kuwait for Intrinsic Action resulted in superior performances in all assigned positions."

6. The ABCMR does not grant requests for the correction of records solely for making the applicant eligible for Veterans or other benefits. The Board decides every case individually based upon its merits when an applicant requests a correction to his military records.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was 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 and available military records, the Board determined there is sufficient evidence to support correction of the applicant's DD Form 214 to show is correction of item 12f (Foreign Service). The applicant's name was confirmed on the Gulf War Roster, and based on the supporting documentation submitted, the Board found that the applicant's service during Operation Southern Watch in Kuwait from 1 October 1993 to 31 December 1993 merits correction. As such the Board granted relief to correct the applicant record to reflect his foreign service and awards.

2. 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

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

In addition to the administrative notes annotated by the Analyst of Record (below the signature), 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 the applicant's DD Form 214

- Enter in item 12f (Foreign Service) "03 months 00 days."
- Enter in item 13 ((Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) – Southwest Asia Service
  - Enter in item 18 (Remarks) - "SERVICE IN SOUTHWEST ASIA FROM 1 October 1993 to 31 December 1993

X 

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):

1. The applicant's DD Form 214 should be corrected by amending block 13 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) by adding the:

- Army Achievement Medal
- Army Good Conduct Medal

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.

- DD Form 214
- DA Form 2-1
- DA Form 638-1, 24 January 1995
- Army Achievement Medal certificate, 24 January 1995
- Permanent Orders Number 4-11, 30 January 1995

REFERENCES:

1. Title 10, USC, 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) 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. In pertinent part, it states that 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. The ABCMR will decide cases based on the evidence of record. The ABCMR is not an investigative agency.
3. AR 635-5 (Separation Documents), in effect at the time, prescribes the separation documents that must be prepared for Soldiers on retirement, discharge, release from active-duty service, or control of the Active Army. It establishes standardized policy for preparing and distributing the DD Form 214. The instructions for:
  - a. Block 12f (Foreign Service) states, to enter the total amount of foreign service completed during the period covered in block 12c (Net Active Service This Period). Obtain the foreign service listed in item 5 (Oversea Service), DA Form 2-1 for enlisted Soldiers to compute this entry. If necessary, verify the foreign service in the Military Personnel Record Jacket.
  - b. Block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) state, entries will be for all periods of service. Check Soldiers' service records for validity of awards. Do not abbreviate when listing the entries.
4. AR 635-8 (Separation Processing and Documents), currently in effect, prescribes the transition processing function of the military personnel system. It provides principles of support, standards of service, policies, tasks, rules, and steps governing required actions in the field to support processing personnel for separation and preparation of separation documents. Paragraph 5-6 (Rules for completing the DD Form 214) provides detailed instructions for data required in each block of the DD Form 214. The instructions for:
  - a. Block 12f (Foreign Service) state to enter the total amount of service performed outside the continental United States (OCONUS) during the period covered in block 12c to include deployments. Additionally, list periods of deployed service in block 18 (Remarks).
  - b. Block 18 (Remarks) state, for active-duty Soldiers, list any/all OCONUS deployments completed during the period of the DD Form 214 being created as follows "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates)."

5. Army Regulation 600-8-22 (Military Awards) states 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)

a. 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.

b. 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.

c. the Overseas Service Ribbon was established by the Secretary of the Army on 10 April 1981. Effective 1 August 1981, all members of the Active Army, Army National Guard, and Army Reserve in an active Reserve status are eligible for the award for successful completion of overseas tours. The award may be awarded retroactively to those personnel who were credited with a normal overseas tour completion before 1 August 1981 provided they had an Active Army status on or after 1 August 1981. Numerals are used to denote the second and subsequent awards of the Overseas Service Ribbon.

d. According to the Awards Branch at U.S. Army Human Resources Command, Iraq and Afghanistan are considered isolated areas where tour lengths have not been established by the Department of Defense. Soldiers who serve 11 cumulative months in a 24-month period or 9 months continuous in Iraq or Afghanistan get credit for a completed short tour.

6 .Army Regulation 614-30 (Overseas Service), Table 3-2 (Award of tour credit and adjustment of date eligible to return from overseas/date of return from overseas (DROS)) states a Soldier will be credited with a completed tour and awarded a new DROS if he/she serves less than the normal prescribed overseas tour, and the curtailment is for the convenience of the Government and through no request from or fault of the Soldier.

//NOTHING FOLLOWS//