

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 February 2024

DOCKET NUMBER: AR20230007816

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 6 December 1991 to show award of the Army Commendation Medal and any other authorized awards.

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- 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 he received the Army Commendation Medal for his service in support of Operations Desert Shield/Desert Storm upon his return to his original unit. He left the service 4 1/2 months after returning. His DD Form 214 should show award of the Army Commendation and the two Kuwait Liberation Medals.
3. He enlisted in the Regular Army on 6 April 1983.
4. His DA Form 2-1 (Personnel Qualification Record – Part II) shows his overseas service in Germany from 8 February 1988 through 5 October 1991 and his unit of assignment as Troop A, 3d Squadron, 7th Cavalry Regiment, 1st Armored Division. Item 9 (Awards, Decorations, and Campaigns) of his DA Form 2-1 is void of the Army Commendation Medal.
5. He was honorably discharged on 6 December 1991 by reason of expiration term of service. He completed 8 years, 7 months, and 13 days of net active service during this period, including 3 years, 8 months, and 5 days of foreign service.

- a. Item 8a (Last Duty Assignment and Major Command) of his DD Form 214 shows his last duty assignment as Troop A, 3d Squadron, 7th Cavalry Regiment.
- b. Item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) of his DD Form 214 shows award of the Southwest Asia Service Medal with two bronze service stars; it does not show award of the Army Commendation Medal, Kuwait Liberation Medal-Saudi Arabia, or Kuwait Liberation Medal-Kuwait.
- c. Item 18 (Remarks) notes his service in Southwest Asia from 3 January 1991 to 28 June 1991.

6. His Official Military Personnel File does not contain orders awarding him the Army Commendation Medal.

7. The Operations Desert Shield/Desert Storm Database, compiled by the Defense Manpower Data Center, is the primary file that contains one record for each active duty member who participated in theater between 2 August 1990 and 31 July 1991. The database shows the applicant was deployed to Southwest Asia from 4 January 1991 to 4 June 1991. His unit identification code indicates he was assigned to Troop A, 3d Squadron, 7th Cavalry Regiment, 1st Armored Division, Germany.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board found that relief was partially warranted. The applicant's contentions, his military records, and regulatory guidance were carefully considered.

- a. The evidence of record shows the applicant served in Southwest Asia in support of Operations Desert Shield/Storm from 3 January 1991 to 28 June 1991, as reflected on his DD Form 214. As such, he is eligible for awards of the Kuwait Liberation Medal-Saudi Arabia, Kuwait Liberation Medal-Kuwait, as well as three bronze service stars with the Southwest Asia Service Medal, and correction of his DD Form 214 to show these awards.
- b. The applicant's Official Military Personnel File does not contain orders awarding him the Army Commendation Medal. Award of the Army Commendation Medal requires a recommendation, approval through the chain of command, and announcement in orders. In the absence of the orders, the Board found insufficient evidence to list this award on his 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:

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 adding to his DD Form 214:

- Three bronze service stars with the Southwest Asia Service Medal
- Kuwait Liberation Medal-Saudi Arabia
- Kuwait Liberation Medal-Kuwait

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 adding the Army Commendation 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. Awards made by the President, the Secretary of Defense, and the Secretary of the Army will be announced in Department of the Army general orders. Awards of decorations and the Army Good Conduct Medal made by principal Department of the Army Headquarters officials will be announced in permanent orders.
 - b. The Army Commendation Medal is awarded to any service member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service.
 - c. The Southwest Asia Service Medal was awarded to all 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. One bronze service star is worn on the suspension and service ribbon of the Southwest Asia Service Medal for participation in each designated campaign. The designated campaigns for Southwest Asia are listed in appendix B as:
 - Defense of Saudi Arabia – 2 August 1990 to 16 January 1991
 - Liberation and Defense of Kuwait – 17 January 1991 to 11 April 1991
 - Southwest Asia Cease-Fire – 12 April 1991 to 30 November 1995
 - d. The Kuwait Liberation Medal-Saudi Arabia awarded by the Kingdom of Saudi Arabia 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.
 - e. The Kuwait Liberation Medal-Kuwait awarded by the Government of Kuwait 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.

//NOTHING FOLLOWS//