

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 February 2024

DOCKET NUMBER: AR20230008101

APPLICANT REQUESTS: award of the Afghanistan Campaign Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty)

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 was assigned to the Counter Insurgency Leaders Course at Camp Julien, Afghanistan from 30 July 2011 to 13 August 2011 in support of a North Atlantic Treaty Organization training mission. During this time, he was on patrol with Afghan Army and Coalition Forces. On several occasions they came under small arms fire and enemy contact. On one patrol, a round struck his window, and he sustained a cut to his left arm. When he returned to his unit at Fort Bliss, TX, he submitted his paperwork to the S1 for processing. He was promoted and transferred to another unit. He found out approximately three years later that the person who was going to process his award was also transferred and the paperwork was never submitted and could not be found.
3. Having 4 years, 8 months and 28 days of total prior active service, the applicant entered active duty as a member of the U.S. Army Reserve on 1 March 2011.
4. The applicant provides a DD Form 214 that shows he:
  - served in Kuwait from 26 July to 29 July 2011; Afghanistan from 30 July to 13 August 2011; and Kuwait from 14 August to 18 August 2011;
  - completed the Counterinsurgency Leaders Course for 1 week in 2011;
  - was awarded the -

- United States Marine Corps (USMC) Meritorious Mast (2nd Award)
  - Sea Service Deployment Ribbon
  - Army Commendation Medal (2nd Award)
  - Army Achievement Medal (2nd Award)
  - USMC Good Conduct Medal
  - National Defense Service Medal
  - Global War on Terrorism Service Medal
  - Army Service Ribbon
  - Armed Forces Reserve Medal with M Device
  - German Armed Forces Proficiency Badge – Gold; and
- was honorably released from active duty upon the completion of his required active service on 28 February 2012.

5. On 13 March 2024, he was placed on the Army of the United States retired list in the rank/grade of master sergeant/E-8.

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 awards, 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 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 and available military records, the Board determined there is insufficient evidence to support the applicant met the criteria for award of the Afghanistan Campaign Medal. The Board found the applicant assigned to the Counter Insurgency Leaders Course at Camp Julien, Afghanistan from 30 July 2011 to 13 August 2011 in support of a North Atlantic Treaty Organization training mission. However, to be eligible for the requested award, the applicant must have completed 30 consecutive days in the AOE or 60 nonconsecutive days. He met neither. Based on this, the Board denied relief.

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:

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.

3/4/2024

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CHAIRPERSON

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. The Afghanistan Campaign Medal is awarded to members who have served in direct support of Operation Enduring Freedom (OEF). The area of eligibility (AOE)

encompasses all the land area of the country of Afghanistan and all air spaces above the land. The period of eligibility is on or after 11 September 2001 to 31 December 2014, and Operation Freedom's Sentinel (OFS) from 15 January 2015 to a future date to be determined by the Secretary of Defense or the cessation of OFS.

a. Servicemembers must have been assigned, attached, or mobilized to units operating 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 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.

b. The Afghanistan Campaign Medal may be awarded posthumously. Only one award of this medal may be authorized for any individual. Under no condition will personnel or units receive the Afghanistan Campaign Medal, Global War on Terrorism Expeditionary Medal (GWOTEM), Global War on Terrorism Service Medal, Iraq Campaign Medal, or the Armed Forces Expeditionary Medal for the same action, time period, or service.

c. Servicemembers qualified for the GWOTEM by reasons of service between 11 September 2001 and 30 April 2005 in Afghanistan, will remain qualified for the medal. Any such Soldier may be awarded the Afghanistan Campaign Medal in lieu of the GWOTEM for such service. Additionally, any such Soldier authorized the arrowhead device may be awarded the Afghanistan Campaign Medal with arrowhead in lieu of the GWOTEM with arrowhead device. Soldiers that elect to receive the GWOTEM in lieu of the Afghanistan Campaign Medal are not authorized bronze service stars for those campaigns in which the GWOTEM is awarded. No Soldier will be entitled to both medals for the same act, achievement, or period of service.

3. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. 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//