

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 March 2024

DOCKET NUMBER: AR20230008406

APPLICANT REQUESTS: amendment of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his deployment to Saudi Arabia and associated awards.

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

- DD Form 149 (Application for Correction of Military Record)
- Memoranda from the Department of Veterans Affairs regarding Toxic Exposure

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 the deployment should be listed on his DD Form 214. His Army PACT Claim was being contested by the VBA (Veterans Board of Appeals) because they were unable to previously find evidence of this deployment.
3. Review of the applicant's service records shows:
 - a. He enlisted in the Regular Army on 26 April 1989 and held military occupational specialty (MOS) 52D, Power Generation Equipment Repairer.
 - b. His DA Form 2-1 (Personnel Qualification Record) – Part II) shows in:
 - Item 5 (Foreign Service), his service in Germany from 9 November 1990 to 10 September 1992; however, there is no entry for service in Saudi Arabia or Southwest Asia
 - Item 27 (Remarks) no entries indicating he received hostile fire/imminent danger pay (HF/IDP) for any period of service.
 - Item 35 (Record of Assignments), assignments, including Germany; however, there is no listing for Saudi Arabia Southwest Asia

c. The applicant's service record is void of any deployment orders, temporary duty/change of station (TDY/TCS)) orders, or a manifest confirming any deployments or the dates and location of any deployments. Likewise, his record does not contain any awards or certificates related to deployment to Saudi Arabia.

d. The applicant's DA Form 2A (Personnel Qualification Record – Part I) shows the entry "Last Combat Tour: None."

e. The applicant was awarded the Army Commendation Medal for meritorious service from 13 November 1990 to 3 August 1992 while assigned to the 515th Transportation Company in Germany. None of the four achievements mentioned on the DA Form 638 (Recommendation for Award) mentions any deployment.

f. He was honorably released from active duty on 25 April 1993 after completing 4 years of active service. His DD Form 214 shows in:

- Block 12f, (Foreign Service) 1 year, 10 months, and 2 days of foreign service
- Block 13 (Decorations, Medals, Badges, Badges, Commendations and Campaign Ribbons Awarded or Authorized) no Southwest Asia-specific awards
- Army Commendation Medal
- Army Achievement Medal
- National Defense Service Medal
- NCO Professional Development Ribbon
- Army Service Ribbon
- Overseas Service Ribbon
- Sharpshooter Marksmanship Badge with Rifle Bar
- Marksman Marksmanship Badge with Rifle Bar
- Army Lapel Button
- Block 18 (Remarks) no entries pertaining to service in Southwest Asia or any HF/IDP (hostile fire/imminent danger pay) area

4. The applicant's name is listed on the Gulf War Deployment Roster as follows: [SSN] [Name] 1AR910213910504WCNBAA 52D1O (SSN, Name, Army, 13 February 1991 to 4 May 1991, Unit Identification Code, MOS).

5. The applicant provides two memoranda:

a. First memorandum is dated 3 December 2022, From Office of Automated Benefits Delivery to VBMS eFolder, Subject: Toxic Exposure- Sec. 1119 Covered

Veteran. The Department of Defense (DoD) has provided VA with authoritative data that verifies the Veteran named below had military service that constitutes presumptive toxic exposure per 38 U.S. Code §1119.

b. Second memorandum is dated 27 January 2023, From Office of Automated Benefits Delivery to VBMS eFolder, Subject: Persian Gulf Veteran- Sec. 1117. The Department of Defense (DoD) has provided VA with authoritative data that verifies the Veteran named below meets the definition of a "Persian Gulf Veteran" as specified by 38 U.S. Code §1111.

6. By regulation (AR 635-5), regarding the DD Form 214:

- Block 12f, enter the total amount of foreign service completed during the period covered by the DD Form 214
- Block 18, For an active-duty Soldier deployed with his or her unit during their continuous period of active service, enter "Service in (name of Country Deployed) From (inclusive dates, for example YYYYMMDD to YYYYMMDD)."

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 thorough review of the applicant's petition and available military records, the Board determined that the applicant had been stationed in Germany prior to deployment to Southwest Asia, specifically Saudi Arabia. The applicant's name appears on the Gulf War Deployment Roster for the period of 13 February 1991 to 4 May 1991. Additionally, confirmation from the Department of Veterans Affairs, via the Department of Defense's Gulf War Veterans Information System (GWVIS), verified that the applicant had served in the Persian Gulf region for a duration exceeding one day. Although multiple attempts were made to obtain supplementary verification from the Defense Finance and Accounting Service (DFAS), no response was received

2. The Board found based on the documentation provided by the VA and DoD, there is sufficient evidence to support the applicant's claim of foreign service. As such, the Board granted correction to the applicant's DD Form 214 and authorized the issuance of appropriate awards and decorations related to his Gulf War deployment.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>
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XXX	XXX	XXX	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 amending the applicant's DD Form 214 for the period ending 25 April 1993 to show:

- in item 12f (Foreign Service) 2 years and 24 days
- in item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized):
 - Southwest Asia Service Medal
 - Liberation and Defense of Kuwait (17 January to 11 April 1991)
 - Cease-Fire Campaign (12 April 1991 to 30 November 1995)
 - Kuwait Liberation Medal
- in item, 18 (Remarks) SERVICE IN SOUTHWEST ASIA FROM 19910213 to 19910504

X

//SIGNED//

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 635-5 (Separation Documents), in effect at the time, provided detailed instructions for completing separation documents, including the DD Form 214.

- Item 12f reflected an entry of the total amount of foreign service completed during the period by the DD Form 214
- Item 13 reflected all awards and decorations
- Item 18, for an active-duty Soldier deployed with his or her unit during their continuous period of active service, enter the statement "Service in (Name of County Deployed), Form (inclusive dates YYYYMMDD - YYYYMMDD)

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

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 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 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//