

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 March 2024

DOCKET NUMBER: AR20230008587

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show:

- his deployment to Iraq in support of Operation Provide Comfort in 1991 and any authorized awards
- his shoulder sleeve insignia for former wartime service (SSI-FWTS) (commonly referred to as a combat patch)
- a video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- 6th Squadron, 6th U.S. Cavalry Regiment, Iraq, Memorandum (Verification of Award and Entitlement Eligibility, Operation Provide Comfort), 15 November 1991, with attached roster
- All Army Activities Message Number 013/92 (Operation Provide Comfort), 24 January 1992
- Military Personnel Message Number 92-122 (Termination Date for the Second Campaign and Establishment of a Third Campaign for the Southwest Asia Service Medal (SWASM)), 5 February 1992
- All Army Activities Message Number 029/92 (Award of the SWASM – Operation Provide Comfort), 20 March 1992
- Letter to the Department of Veterans Affairs (VA), 27 October 2015
- VA Form 21-0958 (Notice of Disagreement), 14 March 2016

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 his DD Form 214 does not reflect his service in Iraq in support of Operation Provide Comfort in 1991 or authorization of the combat patch. He

sustained several injuries and illnesses while deployed and the VA listed these medical conditions as non-service connected due to the Army's clerical error in his DD Form 214.

3. He enlisted in the Regular Army on 26 May 1989.

4. The 6th Squadron, 6th Cavalry Regiment, Memorandum (Verification of Award and Entitlement Eligibility, Operation Provide Comfort), 15 November 1991, authorized him to wear the SSI-FWTS for service in Turkey in support of Operation Provide Comfort from 5 May 1991 through 2 October 1991 and stated awards of the Meritorious Unit Commendation and Humanitarian Service Medal (HSM) were pending.

5. All Army Activities Message Number 013/92 (Operation Provide Comfort), 24 January 1992, states:

a. The Joint Staff has approved the HSM for military personnel who directly participated in Operation Provide Comfort from 5 April 1991 to 14 June 1991. The HSM is approved for award to those members on the by-name list which has been provided to each major Army command for notification of personnel in their command.

b. The Chairman, Joint Chiefs of Staff, awarded the Joint Meritorious Unit Award to Combined Task Force Provide Comfort, U.S. European Command, for the period 5 April 1991 to 15 July 1991. Personnel permanently assigned to joint billets and those members of the Armed Forces of the United States who were present at the time and directly participated in the operation for 30 days or more are authorized wear of the Joint Meritorious Unit Award.

6. Military Personnel Message Number 92-122, 5 February 1992, established the termination date for the second campaign and establishment of a third campaign for the SWASM.

a. Effective 3 December 1991, the Chairman, Joint Chiefs of Staff, approved a termination date of the second campaign period for the SWASM and established a third campaign. Inclusive dates for the second campaign (Liberation and Defense of Kuwait) are 17 January 1991 through 11 April 1991. The third and final campaign titled Southwest Asia Cease-Fire commences 12 April 1991 and continues to the date of a Presidential Proclamation terminating the Persian Gulf Conflict.

b. Participants in Operation Provide Comfort are eligible for the basic SWASM without campaign stars. This denotes their involvement in the conflict. The third campaign delineates participation in the reconstruction of Kuwait of which Operation Provide Comfort personnel are not a part.

7. All Army Activities Message Number 029/92 (Award of the SWASM – Operation Provide Comfort), 20 March 1992, established award of the SWASM for Operation Provide Comfort. Contrary to policy dictated in Military Personnel Message Number 92-122 (Termination Date for the Second Campaign and Establishment of a Third Campaign for the SWASM), Soldiers who were members of Operation Provide Comfort and served during the qualifying period are authored to attach one bronze service star to the basic medal provided they served subsequent to 12 April 1991. Soldiers who served in Operation Provide Comfort between 5 April and 11 April 1991 are not eligible for the bronze service star. Upon Presidential Proclamation ending the combat zone, eligibility for U.S. Forces assigned to Operation Provide Comfort will terminate.

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

a. block 5 (Overseas Service), he received overseas tour credit for service in:

- Germany from 3 November 1990 through 28 November 1992, a period of 2 years and 25 days
- Turkey from 5 May 1991 through 2 October 1991, a period of 4 months and 28 days
- Germany from 3 October 1991 through 28 November 1992, a period of 1 year

b. block 9 (Awards, Decorations, and Campaigns), in part:

- SWASM with one bronze service star
- Humanitarian Service Medal
- Joint Meritorious Unit Award
- Southwest Asia Cease-Fire Campaign
- Operation Provide Comfort Campaign (this entry is lined through)

c. block 35 (Record of Assignments), he was assigned to Company A, 6th Squadron, 6th Cavalry Regiment, Fort Hood, TX, from 18 June 1990 to 27 November 1992.

9. He was honorably discharged on 5 June 1997 by reason of disability with severance pay. He completed 8 years and 10 days of active service during this period. His DD Form 214 shows in:

a. block 12f (Foreign Service): 1 year, 11 months, and 29 days;

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

- Joint Meritorious Unit Award

- Humanitarian Service Medal

c. block 18 (Remarks): no deployment entries.

10. 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 30 November 1995. The database shows the applicant was deployed to Southwest Asia from 1 July 1992 to 30 September 1992. He was assigned to Company A, 6th Squadron, 6th Cavalry Regiment, 1st Armored Division, Germany.

11. His letter to the VA, dated 27 October 2015, stated his VA representative did not conduct a thorough review of his medical records concerning his medical visits and diagnoses after his separation from the service. He also submitted a VA Form 21-0958, dated 14 March 2016, wherein he contested his VA determination regarding his medical issues.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial 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 the governing regulation provides that at separation the service member's record will be used to enter accurate information when completing their DD Form 214. The Board determined the applicant's record is absent his period of foreign service in support of Operation Provide Comfort in Turkey for the period of 5 May 1991 to 2 October 1991 and service in Southwest Asia for the period 1 July 1992 to 30 September 1992. Based on this, the Board granted partial relief to amend the applicant's DD Form 214 to accurately reflect his foreign service.

2. The Board concurs with the corrections described in the Administrative Note below and noted that the Shoulder Sleeve Insignia is an item of wear and no provision outlines adding this decoration to the applicant's DD Form 214.

3. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance is not necessary to serve the interest of equity and justice in this case.

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:

1. 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 to show in item 18 (Remarks) Service in Turkey from 5 May 1991 until 2 October 1991 and service in Southwest Asia from 1 July 1992 until 30 September 1992.

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 correction to the applicant's request for the shoulder sleeve insignia.

[Redacted Signature]

[Redacted Name]
[Redacted Title]

[Redacted Name]
[Redacted Title]

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 is authorized administrative corrections of his DD Form 214, for the period ending 5 June 1997, to show the following awards without Board action:

- SWASM with one bronze service star
- Kuwait Liberation Medal-Kuwait

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 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. 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 evidence. The ABCMR may, in its discretion, hold a hearing (sometimes referred to as an evidentiary hearing or an administrative hearing) or request additional evidence or opinions. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

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

a. The SWASM was awarded to members of the Armed Forces of the United States who participated in Operations Desert Shield/Desert Storm in the designated area on or after 2 August 1990 to 30 November 1995. A bronze service star is authorized for wear on the SWASM for the following campaigns:

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

b. The Kuwait Liberation Medal-Kuwait awarded by the Government of Kuwait was approved on 9 November 1995 and was 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 HSM is awarded to members who, after 1 April 1975, distinguished themselves by meritorious direct participation in a Department of Defense approved significant military act or operation of a humanitarian nature. A service member must be on active duty at the time of direct participation, must have directly participated in the humanitarian act or operation within the designated geographical area of operation and within specified time limits, and must provide evidence that substantiates direct participation. Table C-1 shows Combined Joint Task Force Provide Comfort was

approved by the Department of Defense as qualifying for award of the HSM from 5 April 1991 to 14 June 1991 (first increment for the geographical area of Northern Iraq and Turkey) and 14 June 1991 to 15 April 1992 (second increment for the geographical area of Northern Iraq and Kuwait).

d. The SSI-FWTS (commonly referred to as the combat patch) is a uniform item and is not governed by this regulation.

4. Army Regulation 670-1 (Wear and Appearance of Army Uniforms and Insignia) prescribes Department of the Army policy for proper wear and appearance of Army uniforms and insignia. This regulation prescribes the authority for authorization, periods of authorization, and manner of wear for the SSI-FWTS (commonly referred to as the combat patch). Soldiers of all Army components who deploy during periods of service designated for wear of the SSI-FWTS are authorized to wear an SSI-FWTS. There are no time-in-theater requirements for authorization to wear the SSI-FWTS. There is no provision for entering the SSI-FWTS on the DD Form 214.

5. Army Regulation 635-8 (Separation Processing and Documents) prescribes the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It provides standardized policy for preparation of the DD Form 214 and states for:

a. block 12f (Foreign Service), enter the total amount of service performed outside the continental United States during the period covered in block 12c (Net Active Service This Period), to include deployments. Additionally, list periods of deployed service in block 18 (Remarks);

b. block 13, list all federally recognized awards and decorations for all periods of service; and

c. block 18 (Remarks) for active duty Soldiers, list any/all deployments performed outside the continental United States during the period covered. Enter the statement "SERVICE IN (name of country deployed) FROM (inclusive dates for example, YYYYMMDD-YYYYMMDD)."

//NOTHING FOLLOWS//