

IN THE CASE OF: ██████████

BOARD DATE: 21 February 2024

DOCKET NUMBER: AR20230008760

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show the Southwest Asia Service Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 for the period ending 6 November 1994

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 while stationed with 5-7 ADA (5th Battalion, 7th Air Defense Artillery), 19th Maintenance in Bitburg, Germany (1991), he was deployed to Riyadh, Saudi Arabia. This deployment took place approximately August/September 1991 until January/February 1992. While there, he was also sent to KKMC (King Khalid Military City) for a short time 2-3 weeks. In accordance with § 578.27:

a. The Southwest Asia Service Medal was established by Executive Order 12754, March 12, 1991. It is awarded to all members of the Armed Forces of the United States serving in Southwest Asia and contiguous waters or airspace thereover on or after August 2, 1990, to November 30, 1995.

b. To be eligible, a service member must meet one or more of the following criteria:
Be attached to or regularly serving for one or more days with an organization participating in ground or shore (military) operations

3. A review of the applicant's service records show:

a. The applicant enlisted in the Regular Army on 7 November 1990. He held military occupational specialty 52D (Power Generation Equipment Repairer).

b. His DA Form 2-1 (Personnel Qualification Record – Part II) shows in Item 5 (Overseas Service) Germany from 20 April 1991 to 12 April 1993 and in Item 35 (Record of Assignments) 19th Maintenance Company, Bitburg, Germany.

c. He was honorably released from active duty on 6 November 1994. The DD Form 214 shows he completed 4 years of active service. This form also shows:

- Block 12f (Foreign Service): "0001-11-23"
- Block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized): Army Good Conduct Medal, National Defense Service Medal, Army Lapel Button, Army Service Ribbon, Overseas Service Ribbon, Expert Badge with Rifle and Grenade Bars, Driver and Mechanic Badge
- Block 18 (Remarks): no entry for foreign service

4. The applicant does not provide any documentary evidence of a deployment to a hostile fire pay area (such as Leave and Earnings Statements reflective of receipt of hostile fire pay or the dates such pay was received and the relevant country). Likewise, no awards or certificates of achievement were provided to establish when and where the applicant was deployed.

5. By regulation (AR 600-8-22), the Southwest Asia Service Medal is 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

BOARD DISCUSSION:

1. 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 indicate the applicant's most recent DD Form 214 for the period ending 6 November 1994 is absent his foreign service for deployment to Southwest Asia. During deliberation, the Board ascertained the applicant's records is absent sufficient evidence that supports the applicant was deployed or that he met the criteria for award of the Southwest Asia Service Medal.

2. The Board agreed, the burden of proof rests with the applicant to provide evidence of a clear and convincing nature with documentation to support the applicant's request. The Board determined there is insufficient evidence to grant the applicant's request for award of the Southwest Asia Service Medal. Therefore, the Board denied relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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

X 

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 (AR) 600-8-22 (Military Awards) provides for award of the Southwest Asia Service Medal it is 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 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)

3. AR 635-5 (Separation Documents) establishes the standardized policy for preparing and distributing the DD Form 214. The purpose of the separation document is to provide the individual with documentary evidence of their military service. It is important that information entered on the form be complete and accurate. Chapter 2 of AR 635-5 contains guidance on the preparation of the DD Form 214. It states for the following:

a. Block 12f (Foreign Service): shows the total amount of foreign service covered by the DD Form 214.

b. Block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized): shows all awards and decorations (Federal).

c. Block 18 (Remarks): shows various entries including for an active duty Soldier deployed with his or her unit during their continuous period of active service, the statement "Service in (Name of Country Deployed) From (inclusive dates for example, YYYYMMDD - YYYYMMDD)."

//NOTHING FOLLOWS//