

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 14 May 2024

DOCKET NUMBER: AR20230010384

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 18 October 1991 to show the following entries:

- item 4a (Grade, Rate, or Rank) – Staff Sergeant
- item 4b (Pay Grade) – E-6
- item 12c (Separation Date This Period) – 9 May 1995
- item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) –
  - Army Commendation Medal
  - Kuwait Liberation Medal (unspecified)
  - Combat Infantryman Badge
- item 14 (Military Education) – Primary Leadership Development Course

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)
- DA Form 2-1 (Personnel Qualification Record – Part II)
- DD Form 214
- U.S. Army Reserve (USAR) Personnel Center Orders D-05-540728, 9 May 1995

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 award of the Army Commendation Medal, Kuwait Liberation Medal (unspecified), and Combat Infantryman Badge; completion of the Primary Leadership Development Course; promotion to the rank/grade of staff sergeant/E-6; and

his final discharge date from the USAR are missing from his DD Form 214. He would like his DD Form 214 corrected to show his accurate information and military service for potential future veterans' benefits.

3. He enlisted in the USAR under the Delayed Entry/Enlistment Program (DEP) for a period of 8 years on 6 May 1987 with an obligation to enlist in the Regular Army for a period of 4 years by 4 August 1987.

4. He was discharged from the DEP and enlisted in the Regular Army on 5 August 1987. He was trained in and held military occupational specialty 11M, Fighting Vehicle Infantryman.

6. Following an assignment to Fort Stewart, GA, he served in Germany from 16 January 1989 to on or about 17 October 1991. He deployed to Southwest Asia from 2 January 1991 to 19 May 1991. He was also promoted to the rank/grade of sergeant/E-5 effective 1 February 1991.

7. His DA Form 2-1 shows in:

a. item 9 (Awards, Decorations, and Campaigns), he was awarded or authorized the following awards not shown on his DD Form 214:

- Army Commendation Medal
- Kuwait Liberation Medal (unspecified)
- Combat Infantryman Badge

b. item 17 (Civilian Education and Military Schools), he completed the 2-week Primary Leadership Development Course in 1991; and

c. item 31 (Foreign Service), he received overseas tour credit for service in Saudi Arabia from 2 January 1991 through 19 May 1991.

8. Headquarters, 1st Brigade, 3d Armored Division, Germany, Permanent Orders 09-36, 19 March 1991, awarded him the Army Commendation Medal for meritorious service during the period 24 February 1991 to 4 March 1991 while assigned to Headquarters and Headquarters Company, 5th Battalion, 5th Cavalry Regiment.

9. Headquarters, 3d Armored Division (Spearhead), Germany, Permanent Orders 37-11, 6 April 1991, awarded him the Combat Infantryman Badge for engagement in active enemy combat in Southwest Asia during the period 24 February 1991 to 28 February 1991 while assigned to Company A, 5th Battalion, 5th Cavalry Regiment.

10. He was honorably released from active duty on 18 October 1991 and transferred to the 95th Training Division Leadership Academy, USAR. His DD Form 214 shows he completed 4 years, 2 months and 14 days of active service. It also shows in:

- Items 4a (Grade, Rate, or Rank) – Sergeant and 4b (Pay Grade) – E-5
- item 12c (Separation Date This Period) – 18 October 1991
- item 12e (Total Prior Inactive Service) – none
- item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) – no (not listed) Army Commendation Medal, Kuwait Liberation Medal, or Combat Infantryman Badge
- item 14 (Military Education) – no (not listed) Primary Leadership Development Course
- item 18 (Remarks) – Period of DEP – 6 May 1987 through 4 August 1987

11. His DA Form 1059 (Service School Academic Evaluation Report), 29 February 1992, shows he successfully achieved course standards for the Primary Leadership Development Course during the period 15 February 1992 through 29 February 1992.

12. Headquarters, 95th Division (Training), Orders 020-124, 11 May 1992, promoted him to the rank/grade of staff sergeant/E-6 in the USAR, effective 11 May 1992.

13. USAR Personnel Center Orders D-05-540728, 9 May 1995, honorably discharged him from the USAR effective 9 May 1995.

#### BOARD DISCUSSION:

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

a. Awards: Grant. Orders awarded the applicant the Army Commendation Medal and Combat Infantryman Badge neither of which is shown on his DD Form 214. Additionally, based on his service in Southwest Asia, he is eligible for awards of the Kuwait Liberation Medal – Saudi Arabia and Kuwait Liberation Medal – Kuwait.

b. Grade: Deny. The applicant held the rank/grade of SGT/E-5 on the day he was separated from active duty on 18 October 1991. His promotion to SSG/E-6 was in the Reserve and was after his release from active duty.

c. Separation Date: Deny. The DD Form 214 is a record of continuous active service. The applicant was released from active duty on 18 October 1991. There is no evidence he continued to serve on active duty through 9 May 1995 as he contends.

d. Military Education: Deny. The DD Form 214 reflects military courses completed during the period covered by the DD Form 214. His DA Form 1059 shows he successfully completed the Primary Leadership Development Course during the period 15 February 1992 through 29 February 1992, after his release from active duty.

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. 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 item 13 of his DD Form 214:

- Army Commendation Medal
- Kuwait Liberation Medal – Saudi Arabia
- Kuwait Liberation Medal – Kuwait
- Combat Infantryman Badge

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 his grade/rank (Staff Sergeant/E-6), Separation Date (9 May 1995), and Military Education (Primary Leadership Development Course).

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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) states:

a. The Kuwait Liberation Medal awarded by the Government 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.

b. 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.

3. Army Regulation 635-5 (Separation Documents), 15 August 1979 and in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for preparation of the DD Form 214. It stated the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. The detailed instructions for preparing the DD Form 214 stated

a. items 4a and 4b, enter the separating Soldier's active duty grade or rank and pay grade at the time of separation;

b. item 12c, all service entered will be less time lost and time lost after expiration of term of service;

c. item 13, self-explanatory; and

d. item 14, list in-service training courses; title, number of weeks year successfully completed during this period of service (e.g., medical, dental, electronics, supply, administration, personnel, or heavy equipment operations). This information is to assist the member after separation in job placement and counseling; therefore, training courses for combat skills will not be listed.

//NOTHING FOLLOWS//