

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 March 2024

DOCKET NUMBER: AR20230010436

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

- Southwest Asia Service Medal
- Kuwait Liberation Medal
- Army Achievement Medal (2nd Award)
- Army Commendation Medal

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

- DD Form 149 (Application for Correction of Military Record)
- Orders 240-3 dated 13 November 1990
- General Order #1 dated 21 March 1990
- National Defense Service Medal (NDSM) Memorandum dated 10 April 1991
- Two Handwritten DA Forms 638 (Recommendation for Award) with Certificates
- DD Form 214 effective 20 June 1994
- Kuwait Liberation Medal Memorandum dated 12 February 1992

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 is requesting, in effect, his Southwest Asia Service Medal, the Kuwait Liberation Medal, his Army Commendation Medal, and Army Achievement Medal (2nd Award) be added to his DD Form 214. He was in Southwest Asia (SWA) with Headquarters and Headquarters Company (HHC), 3rd Brigade (BDE), 1st Armored Division (1AD) attached to HHC, 1st BDE, 1AD during the first ground war in Kuwait.
3. The applicant provides:

a. Orders 240-3 dated 13 November 1990, which shows the applicant was assigned to the HHC, 3rd BDE, APO, NY, effective 20 November 1990.

b. General Order #1, dated 21 March 1990, authorized the wear of the combat patch for Soldiers who served in SWA with 1AD in support of Operation Desert Storm after 17 January 1991 to the units listed on the memorandum which included HHC, 3rd BDE, 1AD.

c. A memorandum dated 10 April 1991 from Headquarters, 1AD authorized the wear of the NDSM and Southwest Asia Service Medal for Soldiers who served in Southwest Asia in support of Operation Desert Shield/Storm.

d. Two handwritten DA Forms 638 with respective certificates which show the applicant was awarded:

(1) Army Commendation Medal, Orders 1-28, approved 28 March 1991 for service in Southwest Asia from 17 January 1991 through 11 March 1991

(2) Army Achievement Medal, Orders 60-2, approved 27 April 1992 for meritorious service as the supply clerk for HHC, 4th BDE, which was initially submitted as an Army Commendation Medal (2nd Award), but was downgraded to the Army Achievement Medal.

e. A memorandum, dated 12 February 1992, referenced MILPER message number 92-113 dated 29 January 1992 to award the Kuwait Liberation Medal to members of the Armed Forces who participated in Operation Desert Storm between 17 January 1991 and 28 February 1991.

4. A review of the applicant's service record shows:

a. He enlisted in the Regular Army on 21 June 1990.

b. His DA Form 2-1 (Personnel Qualification Record – Part II) lists the following:

(1) Block 5 (Oversea Service) shows the applicant served in Germany from 10 November 1990 through 15 August 1992, but did not list service in SWA.

(2) Block 9 (Awards, Decorations, and Campaigns):

- Southwest Asia Kuwait Liberation Medal (SWA KLM) – crossed out
- Southwest Asia Service Medal with 3 bronze service stars
- Army Service Ribbon
- Overseas Service Ribbon

- National Defense Service Medal
- Army Good Conduct Medal (1st Award)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)

c. His available service record was void of any orders for awards outside of the GCM.

d. He was honorably released from active duty on 20 June 1994. His DD Form 214 shows he completed 4 years of active service with no lost time. It also shows he was awarded or authorized:

- Army Lapel Button
- Army Service Ribbon
- Army Good Conduct Medal
- National Defense Service Medal
- Overseas Service Ribbon
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)

e. Orders D-07-751949, dated 8 July 1997, honorably discharged the applicant from the U.S. Army Reserve with an effective date of 8 July 1997.

f. He enlisted in the [REDACTED] Army National Guard ([REDACTED] ARNG) on 6 October 1998. He was honorably discharged from the [REDACTED] ARNG on 5 October 2000. His NGB Form 22 (Report of Separation and Record of Service) shows he served 2 years of net service for the period. It also shows he was awarded or authorized:

- Army Service Ribbon
- National Defense Service Medal
- Army Lapel Button
- Army Good Conduct Medal
- Overseas Service Ribbon

5. A review of the applicant's record confirms he is eligible for awards that are not recorded on his DD Form 214. These awards will be added to his DD Form 214 as administrative corrections and will not be considered by the Board. The Board will consider award of the second Army Achievement Medal and appropriate foreign service credit with respective awards.

6. On 4 March 2024, a member of the Defense Finance Accounting Services staff provided the applicant's leave and earnings statements (LES) for January 1991 through May 1991 to show he served in a combat zone that required danger pay and overseas pay; however, the location was not identified.

7. By regulation (AR 600-8-22):

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, serving on temporary duty for 30 consecutive days or 60 nonconsecutive days.

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.

8. By regulation, (AR 635-5) the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

a. Item 12f (Foreign Service) will show the total amount of foreign service performed during the period covered by block 12c (Net Active Service This Period).

b. Item 18 (Remarks), for Soldiers who deployed with his or her unit during their continuous period of active service, enter a statement "SERVICE IN (name of country deployed) FROM (inclusive dates for example, YYYYMMDD-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 partially warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

2. The applicant requested award of the Army Achievement Medal (2nd Award) however, the evidence failed to show he was awarded or authorized more than one Army Achievement Medal. The evidence shows:

a. The applicant's DA Form 638-1-A (Recommendation for Award (For Other Than Valor) of Army Achievement Medal, Army Commendation Medal, and Meritorious Service Medal), dated 17 April 1992 shows the applicant was initially recommended for a second award of the Army Commendation Medal.

b. The award was downgraded to an Army Achievement Medal. There is no evidence of record, and the applicant did not provide evidence to show he was awarded more than one Army Achievement Medal.

c. His record should be corrected to show he was awarded one award of the Army Achievement Medal.

3. The evidence of record and regulatory guidance confirms the applicant met the requirement for award of the Southwest Asia Service Medal with 2 bronze service stars, Kuwait Liberation Medal - Kuwait, and the Kuwait Liberation Medal - Saudi Arabia based upon his service and the length of his service in Southwest Asia. The applicant's record should be corrected to add these awards.

4. The evidence of record shows the applicant served in Southwest Asia from 19910117-19910531; therefore, item 18 (Remarks) of his DD Form 214 should be corrected to show this service.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

█ █ █ GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board concurs with the corrections addressed in Administrative Note(s) below and 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 correcting his DD Form 214 ending on 20 June 1994 by:

a. correcting block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) of his DD Form 214 to add the: Southwest Asia Service Medal with 2 bronze service stars, Kuwait Liberation Medal - Kuwait , Kuwait Liberation Medal - Saudi Arabia, and Army Achievement Medal

b. correcting item 18 (Remarks) to add the entry "SERVICE IN SOUTHWEST ASIA FROM 19910117-19910531"

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 a second award of the Army Achievement Medal.

6/6/2024

X 

CHAIRPERSON
Signed by: CARLISLE.KAREN.HOFFMAN.1038047449

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: A review of the applicant's service records show he is authorized additional awards not annotated on his DD Form 214 for the service period ending 20 June 1994. As a result, correct his DD Form 214 to add the Army Commendation Medal.

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 Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards.

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. Service members must be serving on temporary duty for 30 consecutive days or 60 nonconsecutive days; these time limitations may be waived for people participating in actual combat operations. 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.

3. Army Regulation 635-5 (Separation Documents), in effect at the time, states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior

inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

a. Item 12f (Foreign Service) states from the Enlisted Record Brief/Officer Record Brief show the total amount of foreign service performed during the period covered by block 12c (Net Active Service This Period).

b. Item 18 (Remarks), states for active-duty Soldiers 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-YYYYMMDD)."

//NOTHING FOLLOWS//