

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1May 2024

DOCKET NUMBER: AR20230010651

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his foreign service in Iraq and award of the:

- Overseas Service Ribbon (2nd Award)
- Meritorious Unit Commendation
- Army Good Conduct Medal (2nd Award)
- Combat Action Badge

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum, U.S. Army Human Resources Command, Subject: Meritorious Unit Commendation, 9 December 2005

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 -

a. he was awarded the Overseas Service Ribbon for serving in Korea from July 1999 to July 2000, and he believes he is entitled to another for his service in Iraq.

b. his unit, 2nd Battalion, 18th Field Artillery was awarded a Meritorious Unit Commendation for the period he served in Iraq.

c. he is unaware of any disciplinary action which would prevent him from being awarded a second Army Good Conduct Medal.

d. he was involved in an incident in Iraq where they struck multiple improvised explosive devices. The unit subsequently assembled a review board to identify the vehicles involved and they submitted for the Combat Action Badge. It has been 20 years and he is having difficulty finding anyone with a copy of the order.

3. The Board will not consider the applicant's request for the Combat Action Badge as there is no evidence showing he previously submitted a request for the award to the U.S. Army Human Resources Command and was denied relief.

a. In the applicant's case, as a Veteran, may request the award of the Combat Action Badge by letter directly to the Army Awards and Decorations Branch, 1600 Spearhead Division Avenue, Fort Knox, KY 40122.

b. His request for award of the Combat Action Badge must include: (1) a copy of his assignment, attachment, or operational control orders for the period during which you believe qualified you for award of the Combat Action Badge; (2) a copy of his Enlisted Record Brief and DA Form 2-1 (Personnel Qualification Record – Part II); (3) no more than a one-page narrative description of the incident qualifying him for award of the Combat Action Badge; (4) a copy of his DD Form 214, if applicable; and (5) any other supporting documentation or applicable military records (for example: official unit reports; casualty report; line of duty investigation, two or more eyewitness statements from Soldiers who participated in the same ground combat action, or previously awarded Purple Heart orders or valor award (if applicable). As a result, the Combat Action Badge will not be discussed further in this Record of Proceedings.

4. The Board will not consider the applicant's request for correction of his DD Form 214 to show his foreign service in Iraq, as there is sufficient evidence for an administrative correction.

5. The Board will consider the applicant's request for award of the Army Good Conduct Medal (2nd Award) and correction of his DD Form 214 to show and/or add additional foreign service:

- Overseas Service Ribbon (2nd Award)
- Meritorious Unit Commendation
- Army Good Conduct Medal (2nd Award)

6. The applicant enlisted in the Regular Army on 13 August 1996. He served in military occupational specialty 13M (MLRS Crewmember).

7. His DA Form 2-1 (Personnel Qualification Record) shows he served in Korea from 7 July 1999 to 6 July 2000 (1 year).

8. His Enlisted Record Brief shows -

- he was assigned to 2nd Battalion, 18th Field Artillery on 28 July 2002
- Army Good Conduct Medal date of 15 July 2002
- Army Good Conduct Medal Eligibility Date of 15 July 2005

7. On 15 July 2004, he was honorably discharged in the rank/grade of sergeant/E-5. The DD Form 214 he was issued shows he completed 7 years, 11 months, and 3 days net active service with 1 year of foreign service. The form states he deployed to Iraq for Operation Iraqi Freedom but does not list his dates of service in Iraq. His last duty assignment is listed as 2nd Battalion, 18th Field Artillery. The DD Form 214 further shows he was awarded or authorized the:

- Army Commendation Medal (2nd Award)
- Army Achievement Medal
- Army Good Conduct Medal
- National Defense Service Medal
- Korea Defense Service Medal
- Noncommissioned Officer Professional Development Ribbon
- Overseas Service Ribbon
- Driver and Mechanic Badge with Driver-W Bar
- Global War on Terrorism Service Medal
- Global War on Terrorism Expeditionary Medal

7. There is no evidence in the available records that shows he was awarded the Army Good Conduct Medal (2nd Award) nor evidence of a commander's disqualification for the award. Additionally, there is no evidence of any convictions by courts-martial or receipt of nonjudicial punishment under Article 15, Uniform Code of Military Justice.

8. During the processing of this case, the Defense Finance and Accounting Service (DFAS) provided his Master Military Pay Account, which shows service in Iraq and evidence of Hostile Fire/Imminent Danger Pay from 22 March 2003 to 16 November 2003 (a period of 7 months and 25 days). Records are wholly unclear as to the actual dates when the applicant deployed and returned from deployment. (Note: DFAS only verifies receipt of hostile fire/imminent danger pay. DFAS does not verify inclusive dates of deployed service or deployment locations beyond the first qualifying country (e.g., Kuwait versus Iraq). DFAS pay records are not considered "source documents," but may be considered as supporting documents leading to a preponderance of the evidence. A second source document is required.)

9. The applicant provides a memorandum from the Chief, Military Awards Branch, U.S. Army Human Resources Command, 9 December 2005, which approved a Meritorious

Unit Commendation for 2nd Battalion, 18th Field Artillery for the period 20 March to 16 November 2003.

10. Army Regulation 635-8 (Separation and Processing and Documents), establishes the standardized policy for preparing and distributing the DD Form 214. Chapter 5 contains guidance on the preparation of the DD Form 214, to include entering foreign service and remarks pertaining to deployment locations and through dates.

#### 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 review of the applicant's petition and available military records the Board noted the applicant served in the Republic of Korea from 7 July 1999 to 6 July 2000, meeting the criteria for award of the overseas service ribbon. In addition, the Board agreed there is sufficient evidence based on the memorandum from the Chief, Military Awards Branch, U.S. Army Human Resources Command, dated 9 December 2005, which approved a Meritorious Unit Commendation for 2nd Battalion, 18th Field Artillery for the period 20 March to 16 November 2003.

2. Furthermore, the Board determined the applicant's record did not reflect he was awarded the Army Good Conduct Medal (2nd Award) and his record shows he received "excellent" conduct and efficiency ratings throughout his service for the period of 16 July 2002 to 14 July 2004. Therefore, the Board granted relief to correct the applicant's record awarding the Army Good Conduct Medal (2nd Award), overseas service medal and the Meritorious Unit Commendation Medal.

3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

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 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 15 July 2004 to show award of the following:

- Overseas Service Ribbon (2nd Award)
  - Meritorious Unit Commendation
- and the
- Army Good Conduct Medal (2nd Award) for explementary service from 16 July 2002 to 14 July 2004 and adding the medal to his DD Form 214 for the period ending 15 July 2004

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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.

ADMINISTRATIVE NOTES:

A review of the applicant's records shows there are administrative corrections not annotated on his DD Form 214 for the period ending 15 July 2004. As a result, amend his DD Form 214 by amending the following:

- block 12f (Foreign Service): delete "0001 00 00" and add "0001 07 25"
- block 18(Remarks) -add the entry, "Service in Iraq from 20030322 - 20031116"

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 Army policy, criteria, and administrative instructions concerning individual and unit military awards and states:

a. The Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity. This period is 3 years except in those cases when the period for the first award ends with the termination of a period of active Federal military service. There is no right or entitlement to the medal until the immediate commander has approved the award and the award has been announced in permanent orders. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified.

b. The Meritorious Unit Commendation is awarded to units for exceptionally meritorious conduct in the performance of outstanding services for at least 6 continuous months during the period of military operations against an armed enemy occurring on or after 1 January 1944. Units based in the continental United States are excluded from this award, as are other units outside the area of operations.

c. The Overseas Service Ribbon, established by the Secretary of the Army on 10 April 1981, is awarded to Soldiers of the U.S. Army for successful completion of overseas tours. Effective 1 August 1981, all Soldiers of the Regular Army, Army National Guard, and USAR in an active Reserve status are eligible for this award. Soldiers must be credited with a successful completion of an overseas tour in accordance with Army Regulation 614-30 (Overseas Service).

3. Army Regulation 614-30 provides that Iraq and Afghanistan are considered isolated areas where tour lengths have not been established by Department of Defense; therefore, the Army gives equivalent credit for periods of change of station/tour of duty. However, the proponent of this regulation has previously provided guidance to the Army Human Resources Command stating that Soldiers who serve a minimum of 11 cumulative months or 9 continuous months in Iraq in a temporary change of station/tour of duty status get credit for a complete short tour.

4. Army Regulation 635-8, establishes the standardized policy for preparing and distributing the DD Form 214. Chapter 5 contains guidance on the preparation of the DD Form 214, to include entering foreign service and remarks pertaining to deployment locations and through dates:

- block 12f (Foreign Service) enter the total amount of service performed Outside Continental United States (OCONUS) during the period covered by the DD Form 214, to include deployments. List periods of deployed service in block 18 (Remarks)
- block 18 for an active-duty Soldier, list any/all OCONUS deployments completed during the period of the DD Form 214 being created, the statement "Service in (Name of Country Deployed) From (inclusive dates)"

5. The ABCMR considers individual applications that are properly brought before it. 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 the evidence.

//NOTHING FOLLOWS//