

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 4 June 2024

DOCKET NUMBER: AR20230011578

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his deployment to Iraq and award of the Global War on Terrorism Expeditionary Medal or Iraq Campaign Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- Permanent Order Number 360-52, 173rd Airborne Brigade, 26 December 2003
- Memorandum, U.S. Army Human Resources Command (AHRC), 20 May 2004
- Permanent Orders 141-15, AHRC, 20 May 2004
- Permanent Orders 145-19, Headquarters, 173rd Airborne Brigade, 24 May 2004
- Permanent Order Number 167-05, 173rd Airborne Brigade, 15 June 2004
- DA Form 638 (Recommendation for Award), 21 June 2004
- 2 DA Forms 1307 (Individual Jump Record)
- DA Form 1306-E (Statement of Jump and Loading Manifest)
- DD Form 214

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 deployed to Iraq via parachute assault on 26 March 2003 through 1 April 2004. He would like his record to reflect that he deployed to Iraq and was awarded the Global War on Terrorism Expeditionary Medal or Iraq Campaign Medal.
3. The applicant enlisted in the Regular Army on 31 August 2000. He served in military occupational specialty 13F (Fire Support Specialist).
4. A DA Form 1306-E dated 26 March 2003 shows the applicant made a combat equipment parachute jump from a C-17 with Chalk 7 on 24 March 2003.

5. Two Individual Jump Records. Line Number 18 shows the applicant participated in a night mass tactical combat jump from a C-17 on 26 March 2003 at Bashur Drop Zone, Iraq. This entry is lined through and initialed. The second line number 18 entry shows he participated in a night administrative/nontactical combat equipment jump from a C-17 on 26 March 2003, at Bashur Drop Zone, Iraq.

6. A DA Form 4980-14 shows Permanent Order Number 360-52, 26 December 2003, awarded him the Army Commendation Medal for exceptionally meritorious service while serving as a platoon forward observer in many peacetime operations as well as Operation Iraqi Freedom from 26 March 2003 to 1 April 2004.

7. A Memorandum from the Chief, Awards and Decorations Branch, AHRC, 20 May 2004, informed the Commander, 173rd Airborne Brigade that his request for Assault Landing Credit was approved.

8. Permanent Orders 141-15, AHRC, 20 May 2004, awarded him Assault Landing Credit for participation in a parachute assault landing into enemy controlled territory on 26 March 2003, at Bashur Drop Zone, Northern Iraq.

9. Permanent Order 145-19, Headquarters, 173rd Airborne Brigade, 24 May 2004, announcing award of the Arrowhead Device and Bronze Star Combat Parachutist Badge for a parachute assault landing into enemy controlled territory on 26 March 2003, at Bashur Drop Zone, Northern Iraq.

10. A DA Form 4980-14 and DA Form 638, Permanent Order Number 167-05, 15 June 2004 awarded him the Army Commendation Medal for meritorious service while assigned to the 1-508th Infantry Fire Support Platoon from 18 July 2001 to 16 July 2004.

11. On 30 August 2004, he was honorably released from active duty upon the completion of his required active service. The DD Form 214 does not show the dates or location of his deployment in block 18 (Remarks) but it does show he was awarded or authorized the:

- National Defense Service Medal
- Army Service Ribbon
- Overseas Service Ribbon
- Parachutist Badge
- Global War on Terrorism Service Medal

12. There is no evidence in the available records that shows he was awarded the Army Good Conduct Medal nor is there 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.

13. During the processing of this case, the Defense Finance and Accounting Service (DFAS) provided his Master Military Pay Account, which shows service in Kuwait. Evidence shows he arrived in his Hostile Fire/Imminent Danger Pay began on 29 March 2003 and he depart Hostile Fire/Imminent Danger Pay area on 26 February 2004. *(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.)*

14. There is no right or entitlement to the Army Good Conduct Medal until the immediate commander approves the award and the award is announced in permanent orders, however, although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified.

15. 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 applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. The applicant's pay records show he received Hostile Fire/Imminent Danger Pay for service in Kuwait from 29 March 2003 to 26 February 2004. His LES on the other hand shows he deployed on 1 March 2003. He was also awarded an ARCOM for meritorious service while serving as a platoon forward observer in many peacetime operations as well as Operation Iraqi Freedom from 26 March 2003 to 1 April 2004. The Board found sufficient evidence to show he served in Kuwait/Iraq from on or about 1 March 2003 to on or about 26 February 2004. Based on this service, he qualifies for award of the Iraq Campaign Medal with 2 bronze service stars.

b. The applicant served on active duty from 31 August 2000 to 30 August 2004, completing 4 years of active service with no lost time. He served in combat and was awarded a combat award. There is no derogatory information on file that would have disqualified him from receiving his first award of the Army Good Conduct Medal and

there is no commander’s disqualification memorandum. The Board determined he qualifies for this award.

2. 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 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:

- a. Awarding the applicant the Army Good Conduct Medal for service during the period 31 August 2000 to 30 August 2003,
- b. Correcting his DD Form 214 as follows:
 - (1) Block 13, add the Army Good Conduct (1st Award) and Iraq Campaign Medal with 2 bronze services stars.
 - (2) Block 18, add Service in Kuwait/Iraq from 1 March 2003 to 26 February 2004



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(S): correct the applicant's DD Form 214 for the period ending 30 August 2004 to add the Army Commendation Medal (2nd Award).

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 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 OCONUS during the period covered by the DD Form 214, to include deployments. List periods of deployed service in block 18 (Remarks)
- block 18 (Remarks) 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)"

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

a. The Global War on Terrorism Expeditionary Medal is authorized for award to members of the Armed Forces of the United States who deployed abroad for service in Global War on Terrorism operations on or after 11 September 2001 to a date to be determined. The general area of eligibility encompasses all foreign land, water, and air

spaces outside the fifty states of the United States and outside 200 nautical miles of the shores of the United States in operations approved by the Secretary of Defense. Under no conditions will units or personnel within the United States or the general region excluded above be deemed eligible for the Global War on Terrorism Expeditionary Medal. Service members must be assigned, attached, or mobilized to a unit participating in designated operations for 30 consecutive days or 60 nonconsecutive days in the area of eligibility, or meet other, specified criteria. Initial award of the Global War on Terrorism Expeditionary Medal was limited to service members deployed abroad in Operations Enduring Freedom and Iraqi Freedom in a designated specific geographic area of eligibility, including Kuwait.

b. The Iraq Campaign Medal is awarded to Servicemembers who served in the area of eligibility from or after 19 March 2003 to 31 December 2011. The area of eligibility encompasses all land area of the country of Afghanistan and all airspaces above the land. Individuals authorized the Iraq Campaign Medal must have served in direct support of Operation Iraqi Freedom (OIF) or Operation New Dawn. Servicemembers must have been assigned, attached, or mobilized to units operating in the area of eligibility for 30 consecutive days or for 60 nonconsecutive days or meet one of the following criteria: (1) Be engaged in combat during an armed engagement, regardless of the time in the area of eligibility; (2) While participating in an operation or on official duties, is killed, wounded, or injured and required medical evacuation from the area of eligibility; and (3) While participating as a regularly assigned air crewmember flying sorties into, out of, within, or over the area of eligibility in direct support of the military operations. Each day of operations counts as 1 day of eligibility. Only one award of this medal may be authorized for any individual. Under no condition will personnel receive the Iraq Campaign Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Afghanistan Campaign Medal, or Armed Forces Expeditionary Medal for the same action, time period, or service. One bronze service star will be worn on the suspension and service ribbon of the Iraq Campaign Medal for participation in each designated service:

- Liberation of Iraq - 19 March 2003 to 1 May 2003
- Transition of Iraq - 2 May 2003 to 28 June 2004
- Iraqi Governance - 29 June 2004 to 15 December 2005
- National Resolution - 16 December 2005 to 9 January 2007
- Iraqi Surge - 10 January 2007 to 31 December 2008
- Iraqi Sovereignty - 1 January 2009 to 31 August 2010
- New Dawn - 1 September 2010 to 31 December 2011

c. 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.

d. A bronze service star is authorized to be worn on Parachutist Badges to denote a Soldier's participation in a combat parachute jump. Orders are required to confirm award of these badges. Army Regulation 670-1 (Wear and Appearance of Army Uniforms and Insignia) describes the placement of stars on parachute badges and the wear of these badges. A Soldier's combat parachute jump credit is tied directly to the assault-landing credit decision (para 7-23) for the unit to which the Soldier is attached or assigned at the time of the assault. Should a unit be denied air assault credit, no air assault credit for purpose of this badge will accrue to the individual Soldiers of that unit. Each Soldier must physically exit the aircraft to receive combat parachute jump credit and the Parachutist Badge with bronze service star.

e. The arrowhead is a bronze replica of an Indian arrowhead 1/4-inch high. It denotes participation in a combat parachute jump, helicopter assault landing, combat glider landing, or amphibious assault landing, while assigned or attached as a member of an organized force carrying out an assigned tactical mission. A Soldier must actually exit the aircraft or watercraft, as appropriate, to receive assault landing credit. Individual assault landing credit is tied directly to the combat assault landing credit decision (see para 7-23) for the unit to which the Soldier is attached or assigned at the time of the assault. If a unit is denied assault landing credit, no assault-landing credit will accrue for the individual Soldiers of that unit.

4. 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//