

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 July 2024

DOCKET NUMBER: AR20230011948

APPLICANT REQUESTS: correction to his DD Form 214 (Certificate of Release or Discharge from Active Duty), ending on 7 November 1992 to reflect the following:

- Service credit for Operation Desert Storm/Desert Shield with applicable awards
- Promotion to the rank/grade of sergeant (SGT)/E-5

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:  
DD Form 149 (Application for Correction of Military Record)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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, in pertinent part, he served during Desert Shield/Desert Storm, however it was not noted on his DD Form 214, nor was he awarded any medals. He was assigned to the 1st Battalion, 3rd Field Artillery and attached to Division Headquarters 2nd Armored Division from approximately November or December 1990 to March or April 1991, then back to 1st Battalion, 3rd Field Artillery, 1st Cavalry Division, Fort Hood, TX. He also qualified for promotion from the rank/grade of specialist (SPC)/E-4 to SGT/E-5 in November 1992. However, he was discharged before he could be promoted. He would like his record updated accordingly and to be promoted to the rank in which he earned and served honorably for.
3. A review of the applicant's available service record reflects the following:
  - a. On 8 November 1988, he enlisted in the Regular Army.
  - b. DA Form 2-1 (Personnel Qualification Record – Part II) reflects:
    - (1) Item 9 (Awards, Decorations and Campaigns) shows:

- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- Hand Grenade Qualification Badge (2nd Class)
- Army Service Ribbon
- Army Commendation Medal
- Noncommissioned Officer (NCO) Professional Development Ribbon
- National Defense Service Medal

(2) Item 17 (Civilian Education and Military Schools) shows he completed the \ U.S. Army NCO Academy III Corps Primary Leadership Development Course (PLDC).

(3) Item 18 (Appointments and Reductions) shows:

- SPC/E-4, effective 1 September 1990
- Corporal (CPL)/E-4, effective 1 September 1990

(4) Item 35 (Record of Assignments) shows for the period 1 September 1990 through 20 April 1991 he was assigned to:

- Headquarters and Headquarters Battery (HHB), 3rd Battalion, 2nd Field Artillery, 2nd Armored Division, Fort Hood
- HHB, Division Artillery, 2nd Armored Division, Fort Hood
- Headquarters and Headquarters Company, Division Rear, 2nd Armored Division

c. DA Form 2A (Personnel Qualification Record Part I) section IV (Service Data), item 12 is void of deployment information. Likewise, it does not show the applicant was promotable.

d. DA Form 1059 (Service School Academic Evaluation Report), dated 30 January 1991 shows he achieved course standards for the PLDC at the U.S. Army NCO Academy III Corps from 3 January 1991 to 30 January 1991.

e. On 22 March 1991, the 502nd Personnel Service Activity, 3rd Personnel Group issued Orders Number A-20-3 appointing him to the rank/grade of CPL/E-4 and terminating his rank/grade of SPC/E-4 with a retroactive effective date of 1 September 1990.

f. On 14 August 1992, Headquarters III Corps and Fort Hood issued Orders Number 169-7 reassigning him to the U.S. Army Transition Point for transition processing and honorable release from active duty with transfer to the U.S. Army Reserve (USAR) Control Group (Reinforcement), effective 7 November 1992.

g. DD Form 214, ending 7 November 1992 reflects an honorable release from active duty for expiration term of service and transfer to the USAR Control Group (Reinforcement).

(1) Item 4a (Grade, Rate or Rank) shows CPL.

(2) Item 12 (Record of Service) shows service from 8 November 1988 to 7 November 1992 for a net active service this period of 4 years.

(3) Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) shows the following:

- Army Commendation Medal
- Army Achievement Medal
- Army Good Conduct Medal
- National Defense Service Medal
- NCO Professional Development Ribbon
- Expert Marksmanship Qualification Badge with Rifle Bar
- Army Lapel Button

(4) Item 18 (Remarks) is void of an entry for service in Southwest Asia.

h. His record is void of orders promoting him to the rank/grade of SGT/E-5. Likewise, it is void of temporary change of station/temporary duty orders, or awards pertaining to a deployment in support of Operation Desert Shield/Desert Storm.

i. A review of the Operation Desert Shield/Desert Storm database compiled by the Defense Manpower Data Center between August 1990 and December 1997 shows he deployed in support of Operation Desert Shield/Desert Storm from 1 May 1991 to 15 July 1991.

4. The Defense Finance and Accounting Service (DFAS) was contacted on 10 and 12 July 2024 to provide documentation pertaining to the applicant receiving hazardous duty pay or imminent danger pay. DFAS did not reply.

#### 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 determined there is sufficient evidence to support the correction of the applicant's

DD form 214 to show service credit for Operation Desert Storm/Desert Shield and any applicable awards. Evidence in the record shows the applicant was deployed in support of Operation Desert Shield/Desert Storm from 1 May 1991 to 15 July 1991. However, the Board determined the record is absent sufficient evidence to support the applicant was promoted to the rank/grade of SGT/E-5. Based on this, the Board granted partial relief to correct the applicant’s foreign service credit and awards.

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:

1. 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 partial 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 7 November 1992 to show in:

- Item 12f (Foreign Service: 00 02 months and 14 days
- Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) – Southwest Asia Cease Fire
- Item 18 (Remarks): Service in Saudia Arbia in support of Operation Desert Shield/Desert Storm from 19910501 to 19910715

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 the applicant's contention for promotion to the rank/grade of sergeant (SGT)/E-5.



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):

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 for the period ending 7 November 1992, by adding the Army Service Ribbon.

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.

- DD Form 214

- DA Form 2-1
- AR 600-8-22 (Military Awards)

#### REFERENCES:

1. Title 10, USC, 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) 600-8-19 (Enlisted Promotions and Reductions) in effect at the time states in paragraph 3-1, Field grade commanders in units authorized a commander in the grade of lieutenant colonel or higher have promotion authority to the ranks of SGT and SSG; however, the Promotions Work Center maintains the promotion standing list and issues the orders. Board appearance, promotion point calculation, promotion list maintenance, and the final execution of the promotions occur in the field in a decentralized manner. Promotion point cutoff scores are determined and announced monthly for each Military Occupational Specialty (MOS) on the basis of the scores reported by the field and the needs of the Army, by grade and MOS.

3. AR 635-5 (Separation Documents) in effect at the time, provides the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service or control of the Army. For Block 4a (Grade, Rate or Rank) and Block 4b (Pay Grade) to enter the active-duty grade and pay grade at the time of separation, respectively and for item 18; use this block for entries required by Headquarters Department of the Army for which a separate block is not available and for completing entries that are too long for their blocks. Effective with the version of the regulation dated 15 September 2000, item 18 will state "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates for example, YYYYMMDD - YYYYMMDD)."

4. AR 600-8-22 (Military Awards) Paragraph 2-14 states, the Southwest Asia Service Medal is awarded to all Servicemembers 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. Southwest Asia and contiguous waters, as used herein, is defined as an area which includes the Persian Gulf, Red Sea, Gulf of Oman, Gulf of Aden, that portion of the Arabian Sea that lies north of 10 degrees north latitude and west of 68 degrees east longitude, as well as the total land areas of Iraq, Kuwait, Saudi Arabia, Oman, Bahrain, Qatar, and United Arab Emirates.

a. To be eligible, a Servicemember must meet (1) Be attached to or regularly serving for 1 or more days with an organization participating in ground or shore (military) operations.

b. One bronze service star will be worn on the suspension and service ribbon of the Southwest Asia Service Medal for participation in each designated campaign.

c. The Kuwait Liberation Medal awarded by the Kingdom of Saudi Arabia (KLM-SA) 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.

d. The Kuwait Liberation Medal awarded by the Government of Kuwait (KLM-K) 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.

//NOTHING FOLLOWS//