

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 May 2024

DOCKET NUMBER: AR20230012010

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

- a missing deployment
- his spouse in block 19b (Nearest Relative); and
- a missing military occupational specialty (MOS)

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Application, License and Certificate of Marriage

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 enlisted in the Regular Army on 28 September 1999.
3. His DA Form 2-1 (Personnel Qualification Record), last reviewed on 20 August 2002, shows he attended training in MOS 35J (Computer Automation Systems Repairer) and was assigned to duty MOS 35J on 28 August 2002 at Fort Campbell, KY.
4. Permanent Orders 144-22, dated 23 May 2003, awarded the applicant the Army Commendation Medal awarded for exemplary service during combat operations in Iraq from 19 March 2003 to 1 May 2003.
5. The applicant provides a copy of his Application, License and Certification of Marriage which shows he married his spouse on 20 October 2006.

6. On 20 April 2008, he was honorably discharged upon completion of his required active service. The DD Form 214 he was issued shows:

- block 11 (Primary Specialty) "68A1O Medical Equipment Rep – 3 Yrs 4 Mos"
- block 12f (Foreign Service) "0001 10 29"
- block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) -
  - Army Commendation Medal (2nd Award)
  - Army Good Conduct Medal (2nd Award)
  - National Defense Service Medal
  - Global War on Terrorism Expeditionary Medal
  - Global War on Terrorism Service Medal
  - Iraq Campaign Medal
  - Army Service Ribbon
  - Overseas Service Ribbon (2nd Award)
- block 14 (Military Education) in part, "//Computer/Automation Systems Repairer Course, 15 Weeks, 2000//Medical Equipment Repairer, 45 Weeks, 2004//"
- block 18 (Remarks) in part, "Service in Operation Iraqi Freedom 20050203 20051115//Service in Operation Iraqi Freedom 20061009-20071124"
- block 19b does not reflect the name of his wife

7. During the processing of this case, the Defense Finance and Accounting Service (DFAS) provided his Master Military Pay Account, which shows service in Kuwait and evidence of Hostile Fire/Imminent Danger Pay from 2 March 2003 to 9 September 2003 (a period of 6 months and 8 days).

a. The records are wholly unclear as to the actual dates when the applicant deployed and returned from deployment.

b. 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.

8. 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 partial 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 based on the DFAS verification, there is sufficient evidence to support correction of the applicant's DD Form 214 annotating his deployment to Kuwait and his military occupational specialty 35J. However, the Board found the applicant's DD Form 214 accurately his nearest relative at the time his DD Form 214 was created. Therefore, the Board granted partial relief.

2. The governing regulation provides that at separation the service member's record will be used to enter accurate information when completing their DD Form 214, a summary of a specific period of active-duty service. The Army has an interest in maintaining the integrity of its records for historical purposes. The information in those records must reflect the conditions and circumstances that existed at the time the records were created.

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 amending the applicant's DD Form 214 for the period ending 20 April 20081 by adding to

- item 11 (Primary Specialty) 35J (Computer Automation Systems Repairer) – 6 years 7 months //
- item 12f (Foreign Service) the entry "1 year, 16 months, 30 days"
- item 18 (Remarks) "Kuwait, 230302 until 230909"

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 adding his spouse in block 19b (Nearest Relative).



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 635-8, establishes the standardized policy for preparing and distributing the DD Form 214.

a. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. This regulation states that block 19b is provided by the Soldier and should reflect the name and address of a relative who

would know the Soldier's location and address. If a relative is not available, list a close friend. The name and address is not intended to be changed or updated due to marriage, divorce, or family member relocation following a Soldier's separation. The DD Form 214 is a snapshot in time. The name and address serve as a basis for contacting the Soldier within a short time after separation in the event the need arose.

b. 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:

(1) For block 11. Enter the titles of all MOSs or areas of concentration (AOCs) awarded and held for at least 1 year during the current period of service and include for each MOS/AOC the number of years and months held. For time determinations, 16 or more days counts as a month. Do not count time in training (basic training, advanced individual training, Basic Officer's Leader Course, or MOS-producing school). Primary specialty MOS or AOC is awarded by Service school completion or by publication of orders awarding the MOS or AOC. For an enlisted Soldier, specify the first five characters of the military occupational specialty code (MOSC), which includes three characters of the MOS, the fourth character of skill and grade level in the MOS, and the fifth character of a special qualification identifier, if applicable. Enter "O" when not applicable. When MOSCs merge at skill level 5, or convert to another MOSC, make separate entries for the highest skill level in each MOSC held for at least 1 year. A single additional skill identifier may be listed immediately following the five-character MOSC.

(2) For block 12f 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).

(3) For 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)."

(4) For Block 19b, Nearest Relative, the data source is as provided by the Soldier. Advise the Soldier that the name and address of a relative should be someone who will know Soldier's location and address at all times. When a relative is not available list a close friend. Enter name, street address, city, state, and zip code.

4. Army Regulation 15-185 prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. 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//