

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 May 2024

DOCKET NUMBER: AR20230012040

APPLICANT REQUESTS: in effect -

- entitlement to the Purple Heart
- correction of his DD Form 214 for the period ending 15 February 2014 to show his first deployment to Afghanistan was from 1 November 2010 to 1 October 2011
- a personal appearance hearing before the Board via video or telephone

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored statement
- Army Achievement Medal certificate, 2 August 2011
- CNN Article, "U.S. War in Afghanistan", 5 May 2022
- Supporting Statement, 11 July 2023
- The Guardian Article, "NATO Military Base Attacked by Suicide Bomber in Afghanistan", 11 July 2023
- Standard Form 180 (Request Pertaining to Military Records), 18 July 2023

FACTS:

1. A review of the applicant's service record contains sufficient evidence to support administrative corrections that are not annotated on his DD Form 214 for the period ending 15 February 2014. These omissions will be added to his DD Form 214 as administrative corrections and will not be considered by the Board, to show in block 12f (Foreign Service) and block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized): Army Commendation Medal.
2. The applicant states his first deployment to Afghanistan was from 1 November 2010 to 1 October 2011. He requests correction for care, benefits, and to show accurate deployment information.
3. The applicant enlisted in the Regular Army on 13 October 2010. He served in military occupational specialty (MOS) 11C (Indirect Fire Infantryman).

4. He provides an Army Achievement Medal Certificate for exceptionally meritorious service while deployed to Afghanistan. The inclusive dates of the award are from 1 November 2010 to 31 October 2011. The certificate further shows, Permanent Orders 214-318, dated 2 August 2011 authorized the award.
5. Permanent Order 19-11, issued by Headquarters, Combined Joint Special Operations Task Force – A, on 19 January 2014, awarded him the Army Commendation Medal for exceptionally meritorious service in support of Operation Enduring Freedom. The inclusive date of the award is 26 June 2013 to 20 November 2013.
6. His enlisted Record Brief (ERB), dated 6 January 2014 shows he deployed to Afghanistan from -
  - 29 April 2011 to 22 October 2011 (a period of 5 months and 24 days); and
  - 26 June 2013 to 25 November 2013 (a period of 5 months).
7. He was honorably released from active duty on 15 February 2014. The DD Form 214 he was issued shows he served 3 years, 4 months, and 3 days net active service this period. The form further contains the following entries/information:
  - a. Block 12f (Foreign Service) "0000 05 24"
  - b. Block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) lists the -
    - Afghanistan Campaign Medal with 2 campaign stars
    - Army Achievement Medal
    - Army Good Conduct Medal
    - National Defense Service Medal
    - Global War on Terrorism Service Medal
    - Army Service Ribbon
    - North Atlantic Treaty Organization Medal
    - Combat Infantryman Badge
  - c. Block 18 (Remarks) states he served in Afghanistan from:
    - 29 April 2011 to 22 October 2011 (a period of 5 months and 24 days); and
    - 26 June 2013 to 25 November 2013 (a period of 5 months)
8. The applicant provides two news articles and a supporting statement from a Soldier who claims he served alongside the applicant during their deployment to Afghanistan in 2010-2011; these documents were provided to the Board in full.

9. The applicant's record includes a DD Form 214 for the period 15 August 2017 through 28 August 2020, this form does not reflect the Purple Heart.

10. Army Regulation 15-185 (ABCMR) states an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

#### 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 there is sufficient evidence based on Permanent Order 178-0001, U.S. Army Human Resources Command, 27 June 2023, awarding the applicant the Purple Heart for wounds received as a result of hostile actions on 10 September 201. However, the Board noted based on the applicant's record he was the applicant was enrolled in the Infantry One Station Unit Training (OSUT) Mortar Course until the end of FEB 2011. Furthermore, the applicant's record show his PEBD is OCT 2010. Based on the preponderance of evidence the Board granted partial relief to award the Purple Heart.

2. This board is not an investigative body. The Board determined despite the absence of the applicant's service records, they agreed the burden of proof rest on the applicant, however, he did not provide any supporting documentation and his service record has insufficient evidence of military orders to support the applicant contentions for correction of his DD Form 214 to add the deployment to Afghanistan was from 1 November 2010 to 1 October 2011.

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.

4. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:            :            :            GRANT FULL RELIEF

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:            :            :            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 15 February 2014 to show award of the Purple Heart.

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 correction of the applicant's DD Form 214 for the period ending 15 February 2014 to show his first deployment to Afghanistan was from 1 November 2010 to 1 October 2011.

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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 NOTE(S):

Make the following administrative corrections, without action by the Board, to the applicant's DD Forms 214 for the periods ending -

a. 15 February 2014 -

- delete the entry in block 12f (Foreign Service); and
- block 12f (Foreign Service) - delete the current entry and add the entry, "0000 10 24"
- block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized): Army Commendation Medal

b. 28 August 2020 - add to .block 13, the Purple Heart

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 (Separation Processing and Documents) prescribes the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army and establishes standardized policy for preparation of the DD Form 214. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form should be complete and accurate. Chapter 5 contains guidance for preparation of the DD Form 214. It states for an active duty Soldier deployed with his or her unit during their continuous period of active service, enter the statement "SERVICE IN (name of country deployed) FROM (inclusive dates for example, YYYYMMDD-YYYYMMDD)" in block 18.
3. 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 may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires. 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//