

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 July 2024

DOCKET NUMBER: AR20230012853

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect his service in Southwest Asia.

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

- DD Form 149 (Application for Correction of Military Record)
- DD FORM 214, for the period ending 20 December 1990

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 his service in Southwest Asia is not reflected on his DD Form 214. He was activated on 20 September 1990 and deployed to a combat location on 28 October 1990. Due to a family emergency, he returned from overseas and was subsequently discharged from active duty on 20 December 1990.

3. The applicant's service record shows:

a. Having prior service in the U.S. Army Reserve and Army National Guard (ARNG), he entered active duty as a member of the ARNG on 20 September 1990.

b. His DD Form 214 shows he was honorably released from active duty and was transferred to the ARNG of Tennessee on 20 December 1990. He completed 3 months and 1 day of active service. It also shows in:

- item 12d (Total Prior Active Service): 3 months and 27 days
- item 12e (Total Prior Inactive Service): 17 years, 9 months, and 17 days
- item 12f (Foreign Service): none
- item 18 (Remarks): Ordered to Active Duty in Support of Operation Desert Shield/Storm in accordance with 10 U.S. Code 673B or 672

4. On 23 July 2024, the applicant's leave and earning statements (LES) were received in the processing of this case by the Defense Finance and Accounting Service.

a. For the period covering 1 October to 31 October 1990, the applicant received:

- basic pay (Monthly)
- basic pay (Difference from September 1990)
- family separation pay (Difference from September 1990)
- basic allowance for housing (Difference from September 1990)
- family separation pay (Monthly)
- basic allowance for housing (Monthly)

b. For the period covering 1 November to 30 November 1990, the remarks include authorization for danger pay, effective 1 October 1990 and authorization for overseas pay, effective 28 October 1990. The applicant received:

- basic pay (Monthly)
- overseas pay (Difference from October 1990)
- danger pay (Difference from October 1990)
- overseas pay (Monthly)
- danger pay (Monthly)
- family separation pay (Monthly)
- basic allowance for housing (Monthly)
- travel, temporary duty (TDY) (14 November 1990 – Desert Shield)

c. For the period covering 1 December to 31 December 1990:

(1) The applicant received:

- basic pay (Monthly)
- overseas pay (Monthly)
- danger pay (Monthly)
- family separation pay (Monthly)
- basic allowance for housing (Monthly)

(2) Other Collections shows, in pertinent part: danger pay (Monthly) was collected for October 1990 in full.

5. The Defense Manpower Data Center compiled a database showing Soldiers who either deployed and/or were scheduled to deploy in support of Operations Desert Shield/Desert Storm; this roster lists the applicant for the dates 1 November 1990 to 30 November 1990.

6. A review of the applicant's service records indicates he is authorized additional awards not currently listed on his DD Form 214. These awards will be administratively corrected in the "Administrative Notes" section of this document without Board action.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, 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 review based on law, policy and regulation. Upon review of the applicants petition and available military records, the Board determined there is sufficient evidence to grant full relief, including a summary Defense Manpower Data Center which shows a compiled database of Soldiers who either deployed and/or were scheduled to deploy in support of Operations Desert Shield/Desert Storm; this roster lists the applicant for the dates 1 November 1990 to 30 November 1990. Additionally, the applicant's leave and earnings statement confirms he received danger pay. The Board noted and concurred with the analyst of record's administrative notes below.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending his DD Form 214, for the period ending 20 December 1990 to show in:

- item 12f (Foreign Service): 30 days
- item 18 (Remarks): Service in SWA from 1 November 1990 to 30 November 1990

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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):

A review of the applicant's records shows he is authorized additional awards not listed on his DD Form 214. As a result, amend his DD Form 214 by amending item 13 to show he was authorized the following awards:

- Southwest Asia Service Medal
- Overseas Service Ribbon

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.

a. Southwest Asia Service Medal. The SWASM was established by EO 12754, 12 March 1991, as amended by EO 12790, 3 March 1992. It is awarded to all Servicemembers of the Armed Forces of the United States serving in SWA and contiguous waters or airspace there over, on or after 2 August 1990 to 30 November 1995. SWA 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. Servicemembers of the Armed Forces of the United States serving in Israel, Egypt, Turkey, Syria, and Jordan (including the airspace and territorial waters) between 17 January 1991 and 30 November 1995, will also be eligible for this award. Servicemembers serving in these countries must have been under the command and control of the U.S. Central Command or directly supporting military operations in the combat theater. To be eligible, a Servicemember must be attached to or regularly serving for 1 or more days with an organization participating in ground or shore (military) operations.

b. Overseas Service Ribbon. The OSR was established by the SECARMY on 10 April 1981 as announced in AGO 1990-15. It 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, ARNG, and USAR in an active Reserve status are eligible for this award. The ribbon may be awarded retroactively to those personnel who were credited with successful completion of an overseas tour before 1 August 1981 provided, they had a Regular Army status as defined above on or after 1 August 1981. Soldiers must be credited with a successful completion of an overseas tour in accordance with AR 614-30. Qualifying overseas service with another branch of the U.S. Armed Forces will be recognized with the OSR. As an exception to paragraph 5-4c, RC Soldiers who were mobilized and dispatched overseas to locations outside the theater of operations during Operations DESERT SHIELD and DESERT STORM (2 August 1990 to 11 April 1991) are eligible for award of the OSR without regard to the time served overseas as long as the overseas service is not recognized with another U.S. service medal.

3. Army Regulation 635-8 (Personnel Separations Separation Documents) in effect at the time, states that the DD Form 214 will reflect the conditions and circumstances that existed at the time the records were created. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form be complete and accurate and reflects the conditions as they existed at the time of separation. In addition, Certificates of Achievement, Appreciation or Recognition, are not authored entries on the DD Form 214.

//NOTHING FOLLOWS//