

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 May 2024

DOCKET NUMBER: AR20230013034

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

- foreign service credit for Iraq deployment in 2003
- Iraq Campaign Medal

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, 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. A review of the applicant's record confirms he is eligible for an award that is not recorded on his DD Form 214. The award will be added to his DD Form 214 as an administrative correction and will not be considered by the Board.
3. The applicant states his DD Form 214 does not reflect his deployment with the 2nd Cavalry Regiment to Baghdad, Iraq in 2003. He also believes he is eligible for the Iraq Campaign Medal.
4. A review of the applicant's service record shows:
 - a. He enlisted in the Regular Army on 18 June 1997.
 - b. His DA Form 2-1 (Personnel Qualification Record) lists one foreign service location – Bosnia from 30 November 1997 to 21 June 1998.
 - c. The available service record is void of any substantiating documentation pertaining to the applicant's deployment in 2003.

d. He was honorably released from active duty on 20 December 2003. His DD Form 214 shows he completed 6 years, 6 months, and 3 days of active service. It also shows he was awarded or authorized:

- Armed Forces Service Medal
- Army Good Conduct Medal (2nd Award)
- National Defense Service Medal
- Noncommissioned Officer Professional Development Ribbon
- Army Service Ribbon
- NATO Medal

5. On 21 November 2023, a member of the Defense Finance and Accounting Service staff provided an email to confirm the applicant's deployment from 1 May 2003 to 3 August 2003; however, the location was listed as Kuwait. Kuwait has been identified as an entry point for Iraq.

6. By regulation (AR 15-185), the ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

7. By regulation, (AR 635-5) the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

a. Item 12f (Foreign Service) will show the total amount of foreign service performed during the period covered by block 12c (Net Active Service This Period).

b. Item 18 (Remarks), for Soldiers who deployed with his or her unit during their continuous period of active service, enter a statement "SERVICE IN (name of country deployed) FROM (inclusive dates for example, YYYYMMDD-YYYYMMDD)."

8. By regulation (AR 600-8-22):

a. Service members qualified for the Global War on Terrorism Expeditionary Medal by reason of service between 19 March 2003 and 28 February 2005, in an area for which the Iraq Campaign Medal was subsequently authorized, will remain qualified for that medal. Upon application, any such service member may be awarded the Iraq Campaign Medal in lieu of the Global War on Terrorism Expeditionary Medal for such service. No service member will be entitled to both medals for the same act, achievement, or period of service.

b. The Iraq Campaign Medal is awarded to members who have served in direct support of Operation Iraqi Freedom (OIF). The area of eligibility encompasses all the land area of the country of Iraq, the contiguous water area out to 12 nautical miles, and all air spaces above the land area of Iraq and above the contiguous water area out to 12 nautical miles. The Iraq Campaign Medal period of eligibility is on or after 19 March 2003 through 31 December 2011. A bronze service star is authorized for wear with this medal for participation in each credited campaign. Approved campaigns are:

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

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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 applicants petition and available military records the Board determined 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. The Board determined based on the DFAS notification, the applicant's records reflect deployment from 1 May 2003 to 3 August 2003; however, the location was listed as Kuwait. Kuwait has been identified as an entry point for Iraq. Based on this, the Board found the applicant's contention for correction of his DD Form 214 to show foreign service credit for Iraq deployment in 2003 and award of the Iraq Campaign Medal is without merit. Therefore, the Bord denied relief.

2. This board is not an investigative body. The Board determined despite the absence of the applicant's records, they agreed the burden of proof rest on the applicant, however, he did not provide sufficient supporting documentation and his service record has insufficient evidence to support the applicant contentions of foreign service credit for Iraq deployment in 2003.

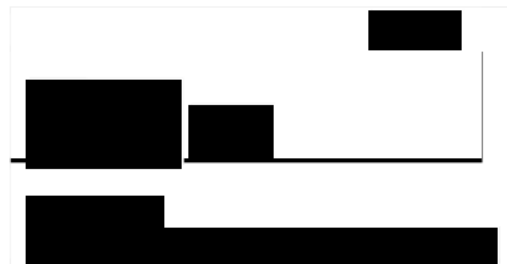
3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

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:

Except for the correction addressed in Administrative Note(s) below, the Board found the evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.



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 service records show he is authorized an additional award not annotated on his DD Form 214, for the period ending 20 December 2003. As a result, correct his DD Form 214 to show award of the Global War on Terrorism Service Medal.

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 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. Army Regulation 635-5 (Separation Documents), in effect at the time, states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

a. Item 12f (Foreign Service) will show the total amount of foreign service performed during the period covered by block 12c (Net Active Service This Period).

b. Item 18 (Remarks), for Soldiers who deployed with his or her unit during their continuous period of active service, enter a statement "SERVICE IN (name of country deployed) FROM (inclusive dates for example, YYYYMMDD-YYYYMMDD)."

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

a. The Overseas Service Ribbon may be awarded to all members of the Active Army, Army National Guard, and Army Reserve in an active Reserve status for successful completion of overseas tours.

b. The Iraq Campaign Medal is awarded to members who have served in direct support of Operation Iraqi Freedom (OIF). The area of eligibility encompasses all the land area of the country of Iraq, the contiguous water area out to 12 nautical miles, and all air spaces above the land area of Iraq and above the contiguous water area out to 12 nautical miles. The Iraq Campaign Medal period of eligibility is on or after 19 March

2003 through 31 December 2011. A bronze service star is authorized for wear with this medal for participation in each credited campaign. Approved campaigns are:

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c. The Global War on Terrorism Expeditionary Medal (GWOTEM) 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 (AOE) 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 GWOTEM. 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 AOE, or meet other, specified criteria. Initial award of the GWOTEM was limited to service members deployed abroad in Operations Enduring Freedom and Iraqi Freedom in designated specific geographic areas of eligibility (AOE), including Kuwait.

- Only one award of the GWOTEM may be authorized to any individual; therefore, second or subsequent awards will not be awarded.
- Upon application, any such service member may be awarded the Iraq Campaign Medal in lieu of the Global War on Terrorism Expeditionary Medal for such service.
- No service member will be entitled to both medals for the same act, achievement or period of service.

//NOTHING FOLLOWS//