

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 July 2024

DOCKET NUMBER: AR20230013161

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 3 September 1992 to show his dates of foreign service in support of the Persian Gulf War and award of the:

- Army Good Conduct Medal (2nd Award)
- Southwest Asia Service Medal
- Kuwait Liberation Medal-Saudi Arabia

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- Self-authored Letter, undated
- nine DA Forms 3686 (Joint Uniform Military Pay System-Army Leave and Earnings Statements) covering the period August 1990 through April 1991
- DD Form 214

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 he was assigned to Company D, 4th Battalion, 64th Armored Regiment, 24th Infantry Division, from 9 July 1990 through 4 September 1992. He deployed with the 4th Battalion, 64th Armored Regiment, in support of Operations Desert Shield and Desert Storm from 28 August 1990 through 13 April 1991. When he was deployed, he was in flagged status. The flag was dropped while he was deployed and he was flagged again when he returned from deployment. When separating from the Army, he filled out forms stating which service ribbons and medals he earned. The Southwest Asia Service Medal and Kuwait Liberation Medal-Saudi Arabia were missing from his records.

3. He enlisted in the Regular Army on 9 June 1986.
4. Headquarters, 2d Armored Division (Forward), Germany, Permanent Orders 071-002, 14 June 1989, awarded him the Army Good Conduct Medal (1st Award) for the period of service from 9 June 1986 through 8 June 1989.
5. He provided nine leave and earnings statements covering the period 1 August 1990 through 30 April 1991, showing he received overseas duty pay and imminent danger pay from 1 August 1990 through 30 April 1991.
6. His records indicate he met the eligibility criteria for award of the Army Good Conduct Medal (2nd Award) for the period of service from 9 June 1989 through 8 June 1992. His records do not contain a commander's disqualification memorandum for award of the Army Good Conduct Medal (2nd Award), stating the rationale for his decision.
7. The DA Form 4126-R (Bar to Reenlistment Certificate), 22 July 1992, shows he was barred from reenlistment for Army Physical Fitness Test failure and/or weight standard failure.
8. The DA Form 4187 (Personnel Action), 3 August 1992, shows he requested immediate separation from the service under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), paragraph 16-5. He understood that if his request for separation before his expiration term of service is approved, it will be for his own convenience. He will not be permitted to reenlist at a later date.
9. On 7 August 1992, his battalion commander approved his request for separation under the provisions of Army Regulation 635-200, paragraph 16-5.
10. His DA Form 2-1 (Personnel Qualification Record – Part II) shows in:
 - a. item 5 (Overseas Service), he received overseas tour credit for service in Germany from 22 November 1987 to 2 June 1990 (2 years, 6 months, and 11 days);
 - b. item 9 (Awards and Decorations), he was awarded or authorized the:
 - Army Service Ribbon
 - Army Good Conduct Medal (1st Award)
 - Army Achievement Medal (2nd Award)
 - Overseas Service Ribbon
 - Expert Marksmanship Qualification Badge with Pistol Bar
 - Expert Marksmanship Qualification Badge with Grenade Bar

c. item 35 (Record of Assignments), he was assigned to the following units/locations, in part:

- 14 October 1986 through 24 November 1987 – M1A1 Abrams tank armored crewman – Company A, 1st Battalion, 67th Armored Regiment, Fort Hood, TX
- 25 November 1987 through 1 June 1990 – M1A1 Abrams tank gunner – Headquarters and Headquarters Company, 2d Battalion, 66th Armored Regiment, 2d Armored Division (Forward), Germany
- 2 June 1990 through 11 July 1990 – casual – en route to Fort Stewart, GA
- 12 July 1990 through 3 September 1992 – tank crewman – Company D, 4th Battalion, 64th Armored Regiment, Fort Stewart, GA

11. On 3 September 1992, he was honorably released from active duty by reason of a locally imposed bar to reenlistment. His DD Form 214 shows in:

a. item 12f (Foreign Service), he completed 2 years, 6 months, and 11 days;

b. item 13 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized), he was awarded or authorized the:

- Army Service Ribbon
- National Defense Service Medal
- Overseas Service Ribbon
- Army Good Conduct Medal (1st Award)
- Army Achievement Medal (2nd Award)
- Army Lapel Button
- Expert Marksmanship Qualification Badge with Pistol Bar
- Expert Marksmanship Qualification Badge with Grenade Bar

c. item 18 (Remarks), no entries for deployed service.

12. The Operations Desert Shield/Desert Storm Database compiled by the Defense Manpower Data Center is the primary file that contains one record for each active duty member who participated in theater between 2 August 1990 and 31 July 1991. The database shows he was deployed to Southwest Asia from 1 October 1990 to 13 April 1991.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, his military records, and regulatory guidance were carefully considered. Based upon the information reflected on the provided leave and earning statements showing the applicant was receiving imminent danger pay and the information reflected in the Desert Shield/Desert Storm Database, the Board concluded there was sufficient evidence warranting a change to the applicant's record by awarding the Southwest Asia Service Medal with three bronze service stars, the Kuwait Liberation Medal-Saudi Arabia, and the Kuwait Liberation Medal-Kuwait, as well as the Army Good Conduct Medal (2nd Award).

Finally, the Board also concluded that the foreign service annotated on the applicant's DD Form 214 requires modification based upon the available documentation showing he served in Desert Shield/Desert Storm stationed at Fort Stewart, GA.

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 the applicant's DD Form 214 by:

- awarding and adding
 - the Army Good Conduct Medal
 - Southwest Asia Service Medal with three bronze service stars
 - Kuwait Liberation Medal-Saudi Arabia
 - Kuwait Liberation Medal-Kuwait
- amending block 12f (foreign service) to reflect: "03 00 24"
- amending block 18 by adding the statement "SM served in SWA from 1 October 1990 to 13 April 1991"

1/6/2025

X

CHAIRPERSON

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 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. 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.

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

a. The Army Good Conduct Medal is awarded for exemplary behavior, efficiency, and fidelity in active federal military service. It is awarded on a selective basis to each Soldier who distinguishes himself or herself from among his or her fellow Soldiers by exemplary conduct, efficiency, and fidelity throughout a specified period of continuous enlisted active Federal military service. There is no right or entitlement to the Army Good Conduct Medal until the immediate commander has approved the award and the award has been announced in permanent orders.

(1) Individuals whose retention is not warranted or for whom a bar to reenlistment has been approved are not eligible for award of the Army Good Conduct Medal.

(2) In instances of disqualification as determined by the unit commander, the commander will prepare a memorandum stating the rationale for his or her decision. This memorandum will include the period of disqualification and will be referred to the individual. The unit commander will consider the affected individual's statement. If the commander's decision remains the same, the records manager will upload the memorandum and the individual's statement for filing in the Soldier's Army Military Human Resource Record.

(3) Disqualification for an award of the Army Good Conduct Medal can occur at any time during a qualifying period (for example, when manner of performance or efficiency declines). The personnel office will establish the new "beginning date" for the Soldier's eligibility for award of the Army Good Conduct Medal, enter the new date and code in the Soldier's Electronic Military Personnel Office record, and submit the Electronic Military Personnel Office transaction.

b. The Southwest Asia Service Medal was awarded to all members 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. One bronze service star is worn on the Southwest Asia Service Medal for participation in each designated campaign. The designated campaigns for Southwest Asia are listed in appendix B as:

- Defense of Saudi Arabia – 2 August 1990 to 16 January 1991
- Liberation and Defense of Kuwait – 17 January 1991 to 11 April 1991
- Southwest Asia Cease-Fire – 12 April 1991 to 30 November 1995

c. The Kuwait Liberation Medal-Saudi Arabia awarded by the Kingdom of Saudi Arabia 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-Kuwait awarded by the Government of Kuwait 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.

4. Army Regulation 635-5 (Separation Documents), effective 1 October 1979 and in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. 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.

a. The general instructions stated to use the following source documents when preparing a DD Form 214:

- DA Form 201 (Military Personnel Records Jacket, U.S. Army)
- DA Form 2 and 2-1 (Personnel Qualification Records)
- separation orders
- DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States)
- DA Form 3716 (Personnel Financial Record, U.S. Army)
- enlistment records and DD Forms 214 for prior-service personnel
- any other available records

b. The specific instructions for item 13 stated this block is self-explanatory.

5. Army Regulation 635-5 (Separation Documents), effective 30 September 2000, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. The specific instructions for an active duty Soldier deployed with his or her unit during their continuous period of active service stated to enter "SERVICE IN (name of country deployed) FROM (inclusive dates for example, YYYYMMDD-YYYYMMDD)" in the remarks block.

6. Department of Defense Financial Management Regulations, chapter 10, governs payment of hostile fire pay/imminent danger pay. Prior to 31 December 2011, members eligible for imminent danger pay were paid the full monthly rate for any complete or partial month they served in a qualifying area. The 2012 National Defense Authorization Act modified imminent danger pay payments, limiting eligibility to only the actual days served in a qualifying area.

//NOTHING FOLLOWS//