

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 June 2024

DOCKET NUMBER: AR20230013302

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show foreign service credit for Iraq.

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

- DD Form 149 (Application for Correction of Military Record), 28 August 2023
- DA Form 638 (Recommendation for Award), page 1 only, 12 July 2004
- DD Form 214, for the period ending 16 November 2004

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 needs his foreign service shown so he can join Veteran Service Organizations.
3. The applicant provides a copy of an award recommendation showing he was awarded the Army Commendation Medal (ARCOM) for the period 19 March 2003 to 1 May 2003 while assigned to the 51st Signal Battalion (Airborne) in Iraq.
4. A review of the applicant's service records show:
  - a. On 15 June 2001, he enlisted in the Regular Army.
  - b. A DA Form 638, dated 12 July 2003, shows approval for award of the ARCOM for the period 19 March 2003 to 1 May 2003, for distinguishing himself as a node switch operator in support of Operation Iraqi Freedom, while attached to 32nd Signal Battalion. His unit issued Permanent Order Number 193-162 on 12 July 2003, awarding him the ARCOM.

c. His record contains a letter from the applicant's commander (Alpha Company, 51st Signal Battalion (Corps Area) (Airborne)), dated 30 March 2003, to the applicant's parents. The letter states, in pertinent part, "[t]he Army and the Nation owe you a debt of gratitude for raising and mentoring an outstanding American. By the time you receive this letter, Alpha Company will be deployed to take part in Operation Iraqi Freedom. It is my top priority to accomplish our mission and return home safely [sic] to family and loved ones. During the deployment you can write to [Applicant] at [Address – APO AE 09302-1301

d. A representative from the Defense Finance and Accounting Service (DFAS) confirmed the applicant had foreign service in Kuwait from 3 April 2003 to 15 September 2003.

e. His Enlisted Record Brief, dated 13 October 2004, shows no entries for overseas duty in Section I (Assignment Information) and it does not show deployments to Iraq in Section IX (Assignment Information).

f. On 16 November 2004 he was discharged from active duty. His DD Form 214 shows in:

- Block 12f (Foreign Service): 0000 00 00
- Block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized): ARCOM, National Defense Service Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Parachutist Badge
- Block 18 (Remarks): no entry for deployment

### 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 support the applicant served in Kuwait, specifically his recommendation for award of the Army Commendation Medal for the period 19 March 2003 to 1 May 2003.

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 16 November 2004 to show in:

- item 12f (Foreign Service): 2 months and 14 days
- item 18 (Remarks): Service in Kuwait from 19 March 2003 to 1 May 2003

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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.

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 (Preparing Separation Documents) prescribes the transition processing function of the military personnel system and provides principles of support, standards of service, policies, tasks, rules, and steps governing required actions in the field to support processing personnel for separation and preparation of separations documents.

a. Paragraph 5-6 provides the detailed instructions for data required in:

b. In block 12f (Foreign Service), from the ERB/ORB, enter the total amount of foreign service covered in block 12c.

c. In block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized), list awards and decorations for all periods of service in the priority sequence specified in Army Regulation 600-8-22 (Military Awards). Each entry will be verified by the Soldier's records. Do not use abbreviations.

d. In block 18 (Remarks), enter for active duty Soldiers deployed with their unit during their continuous period of active service, enter only the statement "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates)."

//NOTHING FOLLOWS//