

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 August 2024

DOCKET NUMBER: AR20230013360

APPLICANT REQUESTS:

a. reconsideration of his previous request to correct his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his service in Iraq during Operation Iraqi Freedom from January to March 2004 and award of the Iraq Campaign Medal (ICM) with bronze service star.

b. As a new request, the applicant further requests that the ABCMR furnish him with copies of the below documentation prior to initiating the decision process.

- all regulations
- case summaries, staff briefs, or memoranda
- advisory opinions from any source
- military or civilian investigation reports
- any other documents obtained or prepared for use and consideration by the ABCMR in its review of his application

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

- DD Form 149 (Application for Correction of Military Record)
- request for Information
- personal statement
- DD Form 214
- Army Board for Correction of Military Records (ABCMR) Record of Proceedings Number AR20220006953, Exhibits A1-A6
- Letter, Army Review Boards Agency (ARBA), Exhibit B1
- DD Form 215 (Correction to DD Form 214), 27 July 2023, Exhibit B3
- Pre-Deployment Health Assessment, Exhibit C
- Email, Exhibits D1-D3
- History 10th Cavalry, Exhibits E1-E6
- "Rocket Attack Kills 1 Soldier, Injuries 12," American Forces Press Service, Exhibit F1

- detailed description of Logistics Support Activity (LSA) Anaconda, Exhibits G1-G4
- The Patriot Files, Detailing LSA Anaconda, Exhibits H1-H2

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20220006953 on 5 January 2023.

2. The applicant provided exhibits 11-16, which were taken from a Department of Veterans Affairs (VA) Appeals Decision, these documents contain the PII of another servicemember. This information cannot be used without that servicemembers written permission. Therefore, this information will not be included in the supporting document file, nor will it be discussed in this Record of Proceedings.

3. The applicant provided a personal statement, wherein he provides a detailed summary of his military service to include his deployment.

a. He states upon completion of training, he was stationed at Fort Hood, TX, where he served in military occupational specialty (MOS) 19D (Cavalry Scout) while assigned to 1st Squadron, 10th United States Cavalry.

(1) In March 2003 [prior to him arriving], the 1st Squadron, 10th United States Cavalry deployed to the Middle East in support of Operation Iraqi Freedom as the Divisional Cavalry Squadron for the 4th Infantry Division (Mechanized), (Exhibit D1).

(2) On April 14, 2003, the 1st Squadron, 10th United States Cavalry crossed the border into Iraq, leading the 4th Infantry Division North from Kuwait, participating in its first combat operations since Vietnam (Exhibit D1).

(3) On January 14, 2004, he received a Pre-Deployment Health Assessment in preparation of deployment to Baghdad, Iraq, for participation in support of Operation Iraqi Freedom (Exhibit C).

(4) On 27 January 27, 2004, after a 22-hour commercial flight, he landed in Kuwait and approximately 24-48 hours later, he departed on a C-130 to the Balad Air Base in Iraq.

(5) Upon landing in Balad, he was immediately trucked about 50 miles northwest of Baghdad to Forward Operating Base "FOB), LSA Anaconda where he joined with his unit - the 1st Squadron, 10th United States Cavalry, already engaged in combat operations. It was here that he entered into the hostile conditions of the Iraq war. Under

the orders of the Commanding General of the 4th Infantry Division, he and his unit conducted strike force operations, securing LSA Anaconda - the largest concentration of Soldiers in Iraq at that time which spread over 15 square miles.

(6) In operations throughout Iraq, the 1st Squadron, 10th United States Cavalry conducted thousands of raids and patrols and captured or killed nearly a thousand enemy combatants. No other unit in the 4th Infantry Division moved or fought in more locations than the 1st Squadron, 10th United States Cavalry.

b. The applicant further states, in effect, he is seeking correction of his military record to reflect his service in Iraq from 27 January to 9 March 2004 and award of the ICM with bronze service star. He believes his submissions are sufficient to confirm he served with 1st Squadron, 10th United States Cavalry in direct support of Operation Iraqi Freedom/Operation Enduring Freedom during his deployment. Additionally, he asserts that, in accordance with the Freedom of Information Act and the Privacy Act, that prior to initiating the decision process, the ABCMR furnish him copies of all the documentation he requests. Upon receipt of this material, he will determine whether he will submit a rebuttal prior to the decision process. He further

4. The Board will not consider the applicant's request that the ABCMR furnish him with copies of: (1) all regulations; (2) case summaries, staff briefs, or memoranda; (3) advisory opinions from any source; and (4) military or civilian investigation reports any other documents obtained or prepared for use and consideration by the ABCMR in its review of his application.

a. Section 1556 of Title 10, U.S. Code, requires the Secretary of the Army to ensure that an applicant seeking corrective action by the Army Review Boards Agency (ARBA) be provided a copy of any correspondence and communications (including summaries of verbal communications) to or from the Agency with anyone outside the Agency that directly pertains to or has material effect on the applicant's case, except as authorized by statute.

b. Unfortunately, the Board does not have adequate staff nor resources to provide copies of regulations to ABCMR applicants. The internet is an appropriate source for all regulations. Additionally, reconsideration is a part of the review/adjudication process available to all ABCMR applicants.

c. The Board used no documents or evidence in the applicant's review process that required his rebuttal by statute.

5. The applicant enlisted in the Regular Army on 25 July 2003. He held military occupational specialty 19D (Cavalry Scout).

6. On 27 September 2004, he was honorably discharged under the provisions of Army Regulation 635-200, paragraph 5-17, due to physical condition, not a disability. The DD Form 214 he was issued shows he completed 1 year, 2 months, and 3 days of active service. The DD Form 214 in conjunction with a DD Form 215 shows in:

- block 12f (Foreign Service) - 0000-01-12
- block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) -
 - Army Lapel Button
 - Global War on Terrorism Service Medal
 - National Defense Service Medal
 - Army Service Ribbon
 - Global War on Terrorism Expeditionary Medal
- block 18 (Remarks) - Service in Kuwait 20040127-20040309

7. His service record contains a Master Military Pay Account (MMPA) record showing the Defense Finance and Accounting Service (DFAS) reviewed his account and confirmed he served in Kuwait from 27 January to 9 March 2004 (a period of 1 month and 12 days). Note: DFAS only verifies receipt of hostile fire/imminent danger pay. DFAS does not verify inclusive dates of deployed service or deployment locations beyond the first qualifying country (e.g., Kuwait versus Iraq).

8. The applicant provides a/an:

- a. Letter, from the Army Review Boards Agency, advising him of the issuance of the Global War on Terror Expeditionary Medal and providing him a DD Form 215.
- b. Pre-Deployment health Assessment showing he received a Pre-Deployment Health Assessment in preparation of deployment to Baghdad, Iraq, on 14 January 2004.
- c. Various Exhibits describing the history of the 10th Cavalry; a rocket attack that killed 1 Soldier and injured 12, at LSA Anaconda, on 1 February [2004]; and the Patriot Files also providing a detailed description of LSA Anaconda and occurrences.

9. The applicant's submissions were provided to the Board in their entirety.

10. Army Regulation 635-8 (Separation and Processing and Documents) establishes the standardized policy for preparing and distributing the DD Form 214. Chapter 5 contains guidance on preparation of the DD Form 214, to include entering foreign service and remarks pertaining to deployment locations and through dates.

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 applicant's petition and available military records, the Board determined there is insufficient evidence to support the applicant was deployed to Iraq during the period January to March 2004. The Board found the applicant's records show his deployment location as Kuwait and there is no mention of the applicant being co-located to Iraq while assigned in theater. The Board agreed the applicant's record does not meet the criteria for award of the Iraq Campaign Medal (ICM) with bronze service star. Furthermore, the Board found reversal of the previous Board determination is without merit and denied relief.

2. This board is not an investigative body. The Board determined, despite the absence of the applicant's records, that 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 to support the applicant contentions that support his account and deployment timeline in Iraq.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

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 to amend the decision of the ABCMR set forth in Docket Number AR20220006953 on 5 January 2023.

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 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. The ICM is awarded to members who have served in direct support of Operation Iraqi Freedom. 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 ICM 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)

3. Army Regulation 635-8 (Separation and Processing and Documents) establishes the standardized policy for preparing and distributing the DD Form 214. Chapter 5 contains guidance on the preparation of the DD Form 214, to include entering foreign service and remarks pertaining to deployment locations and through dates.

//NOTHING FOLLOWS//