

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 July 2024

DOCKET NUMBER: AR20230013580

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the service period ending 27 August 2020 as follows:

- add foreign service credit for his overseas service in Iraq and Korea
- amendment to Block 19b (Nearest Relative) to show his spouse as his nearest relative vice his daughter
- a video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum For Record, subject: Assumption of Command Orders dated 16 March 2006
- DA Form 638 (Recommendation for Award)
- NGB Form 22 (National Guard Report of Separation and Record of Service)
- DD Form 214 effective 27 August 2020

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 is requesting an amendment to his DD Form 214 to add foreign service credit for his overseas deployment to Iraq and assignment in Korea. He also requests to change his nearest relative to reflect his spouse's name, [REDACTED] vice his daughter, [REDACTED]. The corrections will facilitate his children's use of his Montgomery GI Bill and his ability to receive benefits for his post-traumatic stress disorder (PTSD). He also noted other mental health as a condition related to his request on the DD Form 149.

3. The applicant provides:

a. A memorandum for record, subject: Assumption of Command Orders dated 16 March 2006, showing Captain [REDACTED] assumed command of Bravo Battery, 1st Battalion, 77th Field Artillery, Camp Arifjan, Kuwait, effective 16 March 2006 to 16 March 2006.

b. A DA Form 638, showing he was awarded an Army Commendation Medal for his service in Iraq from 7 October 2005 to 6 October 2006, while assigned to Bravo Battery, 1st Battalion, 77th Field Artillery, Kuwait.

4. A review of the applicant's service record shows:

a. He enlisted in the Regular Army on 10 March 2000.

b. His DA Form 2-1 (Enlisted Qualification Record) shows he served in Korea from 26 February 2002 for approximately 1 year. His Enlisted Record Brief shows he reported to Fort Sill, OK on 21 April 2003, subsequent to his tour in Korea.

c. An email from the Defense Finance and Accounting Service dated 23 January 2024, confirmed the applicant served in Iraq from 8 October 2005 to 5 October 2006.

d. The applicant's record contains two DD Forms 214 (Certificate of Release or Discharge from Active Duty) for the service periods ending 23 February 2007 and 27 August 2020. Both DD Forms 214 show in block 19b (Nearest Relative), the name [REDACTED]

e. On 26 February 2007, he was honorably released from active duty. His DD Form 214 shows he completed 6 years, 11 months, and 17 days of active service with no lost time. He was assigned separation code MBK and the narrative reason for separation is listed as "Completion of Required Active Service," with reentry code 1. It also shows he was awarded or authorized the:

- Army Achievement Medal
- Army Good Conduct Medal (2nd award)
- National Defense Service Medal
- Global War on Terrorism Service Medal
- Korea Defense Service Medal
- Army Service Ribbon
- Combat Action Badge
- Driver and Mechanic Badge, Mechanic

f. A NGB Form 22, shows the applicant honorably retired from the South Dakota Army National Guard effective 29 December 2021 with 21 years 8 months of total service.

5. A review of the applicant's record confirms he is eligible for awards and foreign service credit that are not recorded on his DD Form 214 for the service period ending 23 February 2007. The entries will be added to his DD Form 214 as administrative corrections and will not be considered by the Board.

6. By regulation (AR 635-8), block 19b (Nearest Relative), data source is as provided by the Soldier. Advise the Soldier that the name and address of a relative should be someone who will know Soldier's location and address at all times. When a relative is not available list a close friend.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was 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 sufficient evidence to support the applicant was deployed to Iraq and that he served overseas for a period of 12 months in the Republic of Korea. The Board found the applicant's DD Form 214's for periods ending in 23 February 2007 and for the period ending 27 August 2020 warrant correction to show his foreign service and his time overseas in Korea.

2. The Board found the applicant's DD Form 214 for the period ending 23 February 2007 and 27 August 2020 regarding his nearest relative is correct at the time the DD Form 214 was constructed. The Army has an interest in maintaining the integrity of its records for historical purposes. The information in those records must reflect the conditions and circumstances that existed at the time the records were created. In the absence of evidence that shows a material error or injustice, there is a reluctance to recommend that those records be changed. Based on the Board granted partial relief.

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.

4. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable

decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's

- DD Form 214 for the period ending 23 February 2007 by adding in block 18 (Remarks): Service in Korea from 20020304 until 20020420

and

- DD Form 214 for the period ending 27 August 2020 by adding in block 18 (Remarks):
  - SERVICE in KOREA from 20020304 until 20030420
  - SERVICE IN IRAQ FROM 20051008 until 20061005

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to correction to the applicant's DD Form 214 for Block 19b (Nearest Relative) to show his spouse as his nearest relative vice his daughter.

9/25/2024

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.

ADMINISTRATIVE NOTE(S):

A review of the applicant's service records show he is authorized additional awards and foreign service not annotated on his DD Form 214 for the service period ending 23 February 2007. As a result, amend his DD Form 214 to:

- Block 12f (Foreign Service): 02 01 19 (2 years, 1 month, 19 days)
- Block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Award or Authorized): add the Iraq Campaign Medal with two bronze service stars

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, establishes the policies and provisions for the preparation and distribution of the DD Form 214. It states the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. This regulation states that block 19b (Nearest Relative), data source is as provided by the Soldier. Advise the Soldier that the name and address of a relative should be someone who will know Soldier's location and address at all times. When a relative is not available list a close friend.

//NOTHING FOLLOWS//