

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 July 2024

DOCKET NUMBER: AR20230014430

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect his deployment in support of Operation Enduring Freedom (OEF).

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

- DD Form 149 (Application for Correction of Military Record)
- Headquarters, 101st Airborne Division (Air Assault) and Fort Campbell Orders CP-309-1007, 5 November 2013
- Thoracic Spine Series, 23 January 2014
- Landstuhl Regional Medical Center Orders A-01-401029, 25 January 2014
- Scoliosis Survey, 27 January 2014
- DD Form 1351-2 (Travel Voucher or Subvoucher), unsigned and undated
- DD Form 214, ending 30 July 2014

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 his DD Form 214 show he was ever deployed or participated in OEF. It was never put on his record because he left deployment early due to a spinal injury. He would like it added to his record.
3. The applicant enlisted in the Regular Army on 27 March 2012 and was awarded the Military Occupational Specialty (MOS) 11B (Infantryman).
4. The applicant's Enlisted Record Brief (ERB) assignment information shows his reassignment from the Headquarters and Headquarters Company (HHC) to F Company (Pathfinder), 4th Battalion, 101st Aviation Regiment effective 22 October 2013.

5. Headquarters, 101st Airborne Division (Air Assault) and Fort Campbell Orders CP-309-1007, deployed the applicant with his unit of assignment, F Company (Pathfinder), 4th Battalion, 101st Aviation Regiment, to Bagram, Afghanistan, in support of OEF with a will proceed date of on or about 25 December 2013.

6. The applicant's ERB assignment information reflects his assignment to F Company (Pathfinder) 4th Battalion, 101st Aviation Regiment as forward deployed effective 4 January 2014.

7. A Thoracic Spine Series, dated 23 January 2014, shows:

a. On 23 January 2014, at Landstuhl Regional Medical Center, Neurosurgery, a T-Spine Series was ordered for the applicant. The reason for the order shows: "OEF 8 weeks post motor vehicle accident (MVA) with T7-9 vertebral fractures, stable. Please evaluate upright in brace."

b. The findings shows a comparison was made with sagittal reconstructions of the thoracic spine computed tomography (CT) scan from Bagram Air Force Base (AFB), dated 19 January 2014.

8. Landstuhl Regional Medical Center Orders A-01-401029, dated 25 January 2014, reassigned the applicant to Walter Reed National Military Medical Center (WRNMMC), Bethesda, MD, effective the date of the orders for medical evacuation of active component Soldiers for continued medical care, with an end date of 14 February 2014, upon completion of which he was to return to his permanent station assignment with F Company (Pathfinders) 4th Battalion, 101st Aviation Regiment.

9. A Scoliosis Survey requested by the WRNMMC, Neurosurgery Clinic, Bethesda, MD, on 27 January 2014, shows frontal and lateral views of the applicant's entire spine were taken on the date of the form.

10. The applicant's ERB assignment information reflects his reassignment from the F Company (Pathfinder) to the HHC, 4th Battalion, 101st Aviation Regiment effective 30 January 2014.

11. The applicant's ERB additionally shows his reassignment back to the F Company (Pathfinder) on 6 February 2014, as well as a second transaction reflecting his reassignment away from the F Company (Pathfinder) and then reassignment to the A Company on the same date of 6 February 2014.

12. The applicant provided an unsigned, undated Travel Voucher or Subvoucher, completed at HHC Warrior Transition Battalion, WRNMMC, Bethesda, MD, reflecting his unaccompanied travel as follows:

- he departed Fort Campbell, KY, on 31 December 2013
- he arrived at Bagram AFB, Afghanistan, on 1 January 2014
- he departed Bagram AFB, Afghanistan, on 22 January 2014
- he arrived at Landstuhl, Germany, as an outpatient on 22 January 2014
- he departed Landstuhl, Germany, on 27 January 2014
- he arrived at WRNMMC, Bethesda, MD, on 27 January 2014
- he departed WRNMMC, Bethesda, MD, on 20 February 2014
- he again arrived at WRNMMC, Bethesda, MD, on 20 February 2014
- no entries beyond the WRNMMC, Bethesda, MD, on 20 February 2014, were made

13. An SGLV 8286 (Servicemembers' Group Life Insurance Election and Certificate) was signed by the applicant on 20 February 2014 and by the servicing unit's Human Resources Specialist at Bethesda, MD, on 20 February 2014.

14. The date the applicant physically departed WRNMMC, Bethesda, MD, and the location of his subsequent arrival is not in his available records for review.

15. In the adjudication of this case the applicant's Master Military Pay Account (MMPA) for the year 2014 was obtained from the Defense Finance and Accounting Service (DFAS). The applicant's MMPA shows:

a. His entitlement to Hostile Fire Pay (HFP) and Imminent Danger Pay (IDP) started on 1 January 2014 and stopped on 31 January 2014, for the country of Afghanistan.

b. His entitlement to HFP and IDP started again on 1 February 2014 and stopped again on 30 April 2014 for the country of Afghanistan.

16. There is no evidence of record the applicant was physically present in Afghanistan during his second period of entitlement to HFP and IDP from 1 February 2014 through 30 April 2014, although he was entitled to HFP and IDP for this time period by virtue of his illness or injury while deployed and subsequent medical evacuation and temporary duty status for medical treatment in Landstuhl, Germany, and WRNMMC, Bethesda, MD.

17. The applicant's DD Form 214 shows:

a. He was given a general discharge under honorable conditions on 30 July 2014, and was credited with 2 years, 10 months, and 9 days of net active service.

b. Item 12f (Foreign Service) shows 0000 00 00

c. Item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) reflects his entitlement to the -

- National Defense Service Medal
- Global War on Terrorism Service Medal
- Army Service Ribbon
- Air Assault Badge

d. Item 18 (Remarks) does not reflect deployment to Afghanistan.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation showing the applicant deployed in support of Operation Enduring Freedom and his DD Form 214 failing to reflect such service, the Board concluded there was sufficient evidence of an error or injustice warranting a change to the applicant record to reflect his foreign service.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	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:

- (Item 12f): changing the current entry to read: "0000 03 26"
- (Item 18): adding the statement: "SERVICE IN AFGHANISTAN FROM 20140101 – 20140122 and 20140201 - 20140430"

1/7/2025

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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 635-8 (Separation Processing and Documents) prescribes policy and procedural guidance relating to transition management, to include the preparation of the DD Form 214 (Certificate of Release or Discharge from Active Duty). The specific instructions for preparation of the DD Form 214 show:

a. In item 12f (Foreign Service) enter the total amount of service performed outside the continental United States (OCONUS) during the period covered by the DD Form 214. IN addition, list periods of deployed service in item 18 (Remarks).

b. In item 18 (Remarks) use this block for Headquarters, Department of the Army mandatory requirements when a separate block is not available. For active duty Soldiers deployed with their unit during their continuous period of active service enter "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates)."

3. Department of Defense (DOD) 7000.14.R (Financial Management Regulation, Volume 71) provides statutory and regulatory guidance pertaining to military pay and allowances.

a. Chapter 10 provides for special pay, duty subject to hostile fire or imminent danger and establishes the DOD policy for payment of Hostile Fire Pay (HFP) and Imminent Danger Pay (IDP).

b. Paragraph 2 provides the specific entitlement provisions of HFP and IDP, one of which includes performing duty in a hostile fire area and/or designated foreign area.

c. Paragraph 4 provides special situations in which a service member may continue to receive HFP and or IDP although not performing duty in a hostile fire area and/or in a designated foreign area. Paragraph 4.2 (Hospitalization) states a member entitled to HFP and/or IDP who in the line of duty incurs a wound, injury, or illness while serving in a combat operation or a combat zone; while serving in a hostile fire area, or while exposed to a hostile fire event (regardless of location), and who is hospitalized for the treatment of such a wound, injury, or illness, may continue to receive HFP and/or IDP. Members may be paid HFP and/or IDP for up to 12 months from the date of hospitalization under the Pay and Allowances Continuation Program.

4. Army Regulation 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. The Afghanistan Campaign Medal is awarded to members who have served in direct support of Operation Enduring Freedom (OEF). The area of eligibility encompasses all the land area of the country of Afghanistan and all air spaces above the land. The Afghanistan Campaign Medal period of eligibility is on or after 11 September 2001 to 31 December 2014. Service members must have been assigned, attached, or mobilized to units operating in the area of eligibility for 30 consecutive days or for 60 non-consecutive days or meet one of the following criteria: (1) be engaged in combat during an armed engagement, regardless of the time in the area of eligibility while participating in an operation or on official duties, (2) is wounded or injured and requires medical evacuation from the area of eligibility, or (3) while participating as a regularly assigned air crewmember flying sorties into, out of, within or over the area of eligibility in direct support of the military operations; each day of operations counts as one day of eligibility.

//NOTHING FOLLOWS//