

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 September 2024

DOCKET NUMBER: AR20230015189

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his foreign service in support of Operations Desert Shield and Desert Storm from 29 August 1990 to 27 March 1991.

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

- DD Form 149 (Application for Correction of Military Record)
- Army Achievement Medal Certificate, 24 July 2020
- Headquarters, XVIII Airborne Corps, Saudi Arabia, Operation Desert Storm Certificate covering the period 16 January 1991 to 27 March 1991

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 served in support of Operations Desert Shield and Desert Storm from 29 August 1990 through 27 March 1991. His DD Form 214 needs to reflect his foreign service to submit his claim for veterans' compensation under the Promise to Address Comprehensive Toxics Act of 2022.
3. He enlisted in Regular Army on 20 September 1988.
4. His Army Achievement Medal Certificate, 24 July 2020, shows he was awarded the Army Achievement Medal for meritorious achievement from 29 August 1990 to 16 January 1991 in support of allied operations during Operation Desert Shield in Saudi Arabia.
5. His Headquarters, XVIII Airborne Corps, Saudi Arabia, Operation Desert Storm Certificate shows he served with distinction in support of Operation Desert Storm from 16 January 1991 to 27 March 1991.

6. His DA Form 2-1 (Personnel Qualification Record – Part II) shows in:

- a. item 5 (Oversea Service), no entries;
- b. item 9 (Awards and Decorations), he was awarded or authorized the:
 - Army Service Ribbon
 - Army Achievement Medal
 - National Defense Service Medal
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
 - Sharpshooter Marksmanship Qualification Badge with Grenade Bar
- c. item 35 (Record of Assignments), he was assigned to Battery B, 5th Battalion, 8th Field Artillery Regiment, Fort Bragg, NC, as a cannon crewman from 12 January 1989 through 11 December 1991.

7. On 12 December 1991, he was honorably released from active duty by reason of expiration term of service obligation/holiday early transition program. He completed 3 years, 2 months, and 23 days of active service. His DD Form 214 shows in:

- a. item 12f (Foreign Service), no entry;
- b. item 13 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized), he was awarded or authorized the:
 - Army Service Ribbon
 - Army Lapel Button
 - National Defense Service Medal
 - Army Achievement Medal
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- c. item 18 (Remarks), no entry for deployed service.

8. His records do not contain a commander's disqualification for award of the Army Good Conduct Medal (1st Award).

9. The Gulf War/Operations Desert Shield/Desert Storm Database Roster shows he was deployed to Southwest Asia from 1 September 1990 to 11 March 1991.

BOARD DISCUSSION:

1. 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 grant full relief, including the Gulf War, Operations Desert Shield/Desrt Storm Data Base Roster compiled by the Defense Manpower Data Center which shows the applicant's service from 1 September 1990 to 11 March 1991. Therefore, the Board determined relief was appropriate.

2. Additionally, the Board determined the applicant served an eligible period of service to be awarded the Army Good Conduct Medal (First Award) as determined by his service from 20 September 1988 to 12 December 1991 with no disciplinary action.

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 12 December 1991 to show in:

- item 12f (Foreign Service): 6 months and 11 days
- item 18 (Remarks): Service in Southwest Asia from 1 September 1990 to 11 March 1991
- awarding him the Army Good Conduct Medal (First Award) for the qualifying period 20 September 1988 to 12 December 1991
- adding the Army Good Conduct Medal (First Award) to his DD Form 214

█

█ █

█
█

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) 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.

(2) 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 personnel officers will 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 detailed instructions for item 12f stated to enter the total amount of foreign service completed during the period covered in item 12c (Net Active Service This Period).

c. The detailed 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//