

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 September 2024

DOCKET NUMBER: AR20240000126

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) ending 23 December 2010, to show the following entries in:

- block 12a (Date Entered Active Duty This Period) show April 2010
- block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) add the Iraq Campaign Medal, Army Commendation Medal, and Combat Infantryman Badge

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

- DD Form 293 (Application for the Review of Discharge)
- Permanent Order 334-10-001, Headquarters, 53rd Infantry Brigade Combat Team, 30 November 2010
- DD Form 214

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 Board will not consider the portion of the applicant's request pertaining to adding additional awards to block 13 of his DD Form 214, for the following reasons:

a. The applicant provided a certificate for award of the Army Commendation Medal, showing Permanent Orders 344-10-001, issued by Headquarters, 53rd Infantry Brigade Combat Team, on 30 November 2010, authorized this award. This request will be addressed through an administrative correction.

b. Temporary Change of Stations (TCS) orders, Orders: BN-124-0013, published by Fort Benning, GA, on 4 May 2010, and his DD Form 214 show was deployed to Kuwait, in a TCS status, from 6 June 2010 to 8 December 2010, in support of Operation Iraqi

Freedom, Iraq. This evidence is sufficient to administratively correct the applicant's DD Form 214 to add the Iraq campaign Medal with 2 bronze service stars.

c. The Board will not consider the applicant's request for award of the Combat Infantryman Badge; this portion of his application to the ABCMR is premature, as there is no evidence, he first applied to the U.S. Army Human Resources Command (AHRC) Awards and Decorations Branch for their action and was denied his requested relief.

(1) Army Regulation 15-185 (ABMCR) stipulates the Board will not consider an application until the applicant has exhausted all available administrative remedies to correct the alleged error or injustice.

(2) The applicant may submit a request to the AHRC Awards and Decorations Branch, in letter format, to the below address.

Commander, U.S. Army Human Resources Command  
ATTN: AHRC-PDP-A (Awards and Decorations Branch)  
1600 Spearhead Division Avenue  
Fort Knox, Kentucky 40122

4. Orders: BN-124-0013, issued by Headquarters, U.S. Army Maneuver Center of Excellence on 4 May 2010, ordered the applicant to deploy in a TCS status. The purpose of the deployment was in support of Operation Iraqi Freedom Iraq, and the number of days deployed was not to exceeded 185 days. Additionally, these orders state:

a. The will proceed date was on or about: 7 May 2010.

b. The applicant was directed to proceed through Camp Shelby, MS Replacement Company on 8 May 2010 and arrive not later than 9 May 2010.

c. Finally, the depart date was recorded as on or about 30 May 2010.

5. On 23 December 2010, he was honorably released from active duty upon the completion of his required active service. The DD Form 214 he was issued includes the following block entries:

a. Block 12a (Date Entered Active Duty This Period) shows he entered active duty on 4 November 2010.

b. Block 12b (Separation Date This Period) shows he was released from active duty on 23 December 2010.

c. Block 12c (Net Active Service This Period) shows he completed 1 year, 2 months, and 20 days of net active service.

d. Block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) lists the -

- National Defense Service Medal
- Global War on Terrorism Service Medal
- Army Service Ribbon

e. Block 18 (Remarks) shows he served in Kuwait from 6 June to 8 December 2010 (a period of 6 months and 3 days or 186 days).

6. 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 awards, training, 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 partial relief was warranted. The Board carefully considered counsel's statement, 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 based on the applicant's temporary change of station (TCS) status, he was deployed in support of Operation Iraqi Freedom on 9 May 2010. Based on the evidence in the record, the Board granted partial relief to correct block 12a (Date Entered Active Duty This Period) to show 9 May 2010 as well correct 12c (Net Active Service This Period) to show 01 year(s) 04 months and 30 days.

2. 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

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 December 2010 to show in block 12a (Date Entered Active Duty This Period): 9 May 2010 and 12c (Net Active Service This Period): 01 year(s), 04 months and 30 days.
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 block 12a (Date Entered Active Duty This Period) show April 2010.

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

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):

Administratively correct he applicant's DD Form 214 ending on 23 December 2010, without action by the Board, by adding the following awards to block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized).

- Army Commendation Medal
- Iraq campaign Medal with 2 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 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards and states:

a. The Army Commendation Medal may be awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

b. The Iraq Campaign Medal 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 Iraq Campaign Medal 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. The applicant participated in the below campaigns:

- Iraqi Sovereignty - 1 January 2009 to 31 August 2010
- New Dawn 1 September 2010 to 31 December 2011

3. Army Regulation 635-8, 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. For block 12a, Data sources are enlistment contract(s), initial order to active duty, active-duty order, previously issued DD Forms 214, DA Form 1506 (Statement of Service – For Computation of Length of Service for Pay Purposes), and a complete review of the Soldier's official record. Enter the beginning date of the continuous period of active duty for issuance of this DD Form 214, for which a

DD Form 214 was not previously issued. Do not depend on basic active service date for this data item. The basic active service date can be an adjusted date.

4. Army Regulation 15-185 prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR considers individual applications that are properly brought before it. 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.

//NOTHING FOLLOWS//