

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 July 2024

DOCKET NUMBER: AR20240000197

APPLICANT REQUESTS: a personal appearance hearing before the Board and correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 29 February 2004, to show his service in Kuwait in 1997 and Bosnia between 2000 and 2003.

APPLICANT'S SUPPORTING DOCUMENT CONSIDERED BY THE BOARD: DD Form 149 (Application for Correction of Military Record).

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 credit for combat zone tours impacts multiple areas for both benefits and most importantly, recognition.
  - a. In accordance with Military Personnel Message Number 12-171, Proponent AHRC-PDF, Title Procedural Guidance to Update the Enlisted Record/Officer Record Brief/DA Form 2-1 (Personnel Qualification Record) with Deployment Information, Issued: [6/5/2012 6:56:00 AM], he served with the 4th Infantry Division in Kuwait during 1997, when Kuwait was still categorized as a combat zone. He requests a records correction to show his service in Kuwait.
  - b. Per Executive Order 12744 (The Arabian Peninsula Areas), he qualifies for combat zone credit.
  - c. He also served in Bosnia between 2000 and 2003 which falls under Public Law 104-117 for combat zone service.
3. The applicant enlisted in the regular Army in the mid-1980s. His Official Military Personnel File contains:

a. Permanent Orders 147-19, Headquarters, U.S. Army Infantry Center, 31 July 1985, awarded him the Parachutist Badge.

b. Permanent Order 184-68, Headquarters, First U.S. Army and Fort George G. Meade, 2 November 1990, awarded him the Army Good Conduct Medal (2nd Award).

c. Permanent Order 1-2, Military Intelligence Battalion (Counterintelligence) (Security), 2 February 1993, awarded him the Driver and Mechanic Badge with Driver-W bar.

4. Having 10 years, 5 months and 8 days prior active service, the applicant entered active duty in the Regular Army as a Warrant Officer on 9 June 1994.

5. His Official Military Personnel File contains:

a. Permanent Order 354-44, 21 December 1997, 3rd Brigade Combat Team, awarded him an Army Commendation Medal for his performance of duties while deployed to Kuwait during Intrinsic Action 97-03.

b. Permanent Order Number 27-01, 27 January 1999, 532nd Military Intelligence Battalion, awarded him an Army Achievement Medal for his achievements in Korea from 10 June 1998 to 13 March 1999.

c. DA Form 1059 (Service School Academic Evaluation Report), 18 May 2001, which shows the applicant was a resident at the Military Intelligence Warrant Officer Advanced Course in Arizona from 15 March 2001 to 22 April 2001.

6. Having sufficient service for retirement, he retired honorably on 29 February 2004. The DD Form 214 he was issued shows he served in Southwest Asia from 1 October 1997 to 1 January 1998, and he was awarded or authorized the:

- Legion of Merit
- Defense Meritorious Service Medal
- Meritorious Service Medal
- Army Commendation Medal (3rd Award)
- Joint Service Achievement Medal
- Army Achievement Medal (6th Award)
- Army Superior Unit Award
- Army Good Conduct Medal
- National Defense Service Medal (2nd Award)
- Noncommissioned Officer Professional Development Ribbon with numeral "2"
- Army Service Ribbon
- Overseas Service Ribbon

7. During the processing of this case, the Defense Finance and Accounting Service (DFAS) reviewed his Master Military Pay Account.

a. DFAS verified his deployed service in Bosnia from 1 November to 30 November 2000 (a period of 1 month) and 1 April to 30 April 2001 (a period of 1 month).

b. 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). DFAS pay records are not considered "source documents," but may be considered as supporting documents leading to a preponderance of the evidence. A second source document is required.

8. 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 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 record, the Board determined based on the DFAS verification supporting documentation, there is sufficient evidence to support correction of the applicant's DD Form 214 to show his service in Bosnia between 2000 and 2001. As such, the Board granted relief to correct the applicant's record.

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.

3. 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:

In addition to the administrative notes annotated by the Analyst of Record (below the signature), the Board determined the evidence presented is sufficient to warrant a recommendation for 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 29 February 2004 to show in item, 18 (Remarks) SERVICE IN BOSNIA FROM 20001101 UNTIL 20001130 and 20010401 UNTIL 20010430.

■ [REDACTED]

■ [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):

Make the following corrections to his DD Form 214 for the period ending 29 February 2004:

- a. add the Parachutist Badge, Army Good Conduct Medal (2nd Award), Driver and Mechanic Badge with Driver-W bar and the Korea Defense Service Medal to block 13

(Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized).

b. delete the entry "SERVICE IN SOUTHWEST ASIA 19971001-19980101" from block 18 (Remarks).

c. add the entry "SERVICE IN KUWAIT 19971001-19980101" to block 18.

### 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.

a. Award of the basic Parachutist Badge requires that an individual must have satisfactorily completed the prescribed proficiency tests while assigned or attached to an airborne unit or the Airborne Department of the Infantry School or have participated in at least one combat parachute jump.

b. The Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity. This period is 3 years except in those cases when the period for the first award ends with the termination of a period of active Federal military service. There is no right or entitlement to the medal until the immediate commander has approved the award and the award has been announced in permanent orders. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified.

c. The Driver and Mechanic Badge is awarded to drivers, mechanics, and special equipment operators to denote the attainment of a high degree of skill in the operation and maintenance of motor vehicles and equipment. Any commander in the rank of Lieutenant Colonel/O-5 or higher may approve award of the Driver and Mechanic Badge. Component bars are authorized only for the following types of vehicles and/or qualifications:

- Driver-W (for wheeled vehicles)
- Driver-T (for tracked vehicles)

- Driver-M (for motorcycles)
- Driver-A (for amphibious vehicles)
- Mechanic (for automotive or allied vehicles)
- Operator-S (for special mechanical equipment)

d. The Korea Defense Service Medal is authorized for award to members of the Armed Forces of the United States who have served on active duty in support of the defense of the Republic of Korea. The period of eligibility is 28 July 1954 to a date to be determined by the Secretary of Defense.

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. It states for:

- block 12f (Foreign Service) enter the total amount of foreign service completed during the period covered by the DD Form 214
- block 18 for an active duty Soldier deployed with their unit during their continuous period of active service, the statement "Service in (Name of Country Deployed) From YYYYMMDD - YYYYMMDD)"

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 may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires. 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//