

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 September 2024

DOCKET NUMBER: AR20240000617

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 7 May 1991 to show the awards listed below and his rank as specialist (SPC)/E-4.

- Army Commendation Medal
- Southwest Asia Service Medal with two bronze service stars
- Kuwait Liberation Medal – Kuwait
- Kuwait Liberation Medal – Saudi Arabia
- Overseas Service Ribbon
- Combat Infantryman Badge

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4874 (Certificate of Promotion)
- Permanent Orders 8-31 dated 19 March 1991
- Support Reference Letters (2)

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 does not show his promotion to SPC/E-4 which was given prior to his expiration term of service. He was also awarded the Southwest Asia Service Medal, Kuwait Liberation Medals for Kuwait and Saudi Arabia, Combat Infantryman Badge, and the Army Commendation Medal.
3. The applicant provides:

a. Permanent Orders 8-31 issued by Headquarters, 24th Infantry Division (Mechanized) APO New York dated 19 March 1991 which shows award of the Combat Infantryman Badge on 28 February 1991.

b. Two letters of support from a fellow Soldier he served with and a retired infantry Colonel who attest to him being deployed, in combat, and entitled to the Overseas Service Ribbon, Southwest Asia Service Medal with two bronze service stars and the Kuwait Liberation Medal – Saudi Arabia.

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

a. He enlisted in the Regular Army on 31 January 1989.

b. His DA Form 2-1 Personnel Qualification Record – Part II) shows in item 5 (Overseas Service): service in Saudi Arabia from 29 August 1990 to 29 March 1991.

c. His record contains a DA Form 4874 which shows promotion to specialist (SPC) effective 1 December 1990.

d. He was honorably released from active duty on 7 May 1991. His DD Form 214 shows he completed 2 years, 3 months, and 7 days of active service with 7 months and 1 day of foreign service. Block 4a (Grade, Rate or Rank) lists his rank as private first class (PFC) and 4b (Pay Grade) as E-3. It also shows he was awarded or authorized:

- Army Service Ribbon
- National Defense Service Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- Sharpshooter Marksmanship Qualification Badge with Hand Grenade Bar
- Army Lapel Button

e. The applicant's available service record is void of orders or other evidence such as a recommendation for the Army Commendation Medal.

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

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found partial relief is warranted.

2. The available records do not contain documentation confirming that orders were issued announcing award of the Army Commendation Medal to the applicant. In the absence of such documentation, the Board determined the evidence is insufficient as a basis for correcting the applicant's record to show he received the Army Commendation Medal.

3. The Board concurred with the corrections described in Administrative Note(s) below.

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 his DD Form 214 as shown in Administrative Note(s) below.

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 the Army Commendation Medal.

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 awards not annotated on his DD Form 214 for the service period ending 7 May 1991. As a result, amend his DD Form 214 to show:

- Combat Infantryman Badge
- Overseas Service Ribbon
- Kuwait Liberation Medal – Kuwait
- Kuwait Liberation Medal – Saudi Arabia
- Southwest Asia Service Medal with two bronze service stars
- Amend Blocks 4a and 4b to show SPC, E-4.

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. 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 Overseas Service Ribbon was established by the Secretary of the Army on 10 April 1981. Effective 1 August 1981, all members of the Active Army, Army National Guard, and Army Reserve in an active Reserve status are eligible for the award for successful completion of overseas tours. The award may be awarded retroactively to those personnel who were credited with a normal overseas tour completion before 1 August 1981 provided they had an Active Army status on or after 1 August 1981. Numerals are used to denote the second and subsequent awards of the Overseas Service Ribbon.

3. Army Regulation 614-30 (Overseas Service), Table 3-2 (Award of tour credit and adjustment of date eligible to return from overseas/date of return from overseas (DROS)) states a Soldier will be credited with a completed tour and awarded a new

DROS if he/she serves less than the normal prescribed overseas tour, and the curtailment is for the convenience of the Government and through no request from or fault of the Soldier.

4. Army Regulation 635-5 (Separation Documents), in effect at the time, states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

//NOTHING FOLLOWS//