

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 August 2024

DOCKET NUMBER: AR20240000721

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) ending on 11 October 2010 to show his:

- second deployment to Kuwait/Iraq from 1 September 2006 to 21 September 2007
- award of the Iraq Campaign Medal with 2 bronze service stars.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4/1 (Enlistment/Reenlistment Document – Armed Forces of the United States), 4 October 2006
- Permanent Orders Number 044-099, Headquarters, Multi-National Division (Baghdad), 13 February 2007
- Permanent Orders Number 060-140, Headquarters, 2nd Brigade, 1st Infantry Division, 1 March 2007
- Permanent Orders Number 068-289, Headquarters, Multi-National Division (Baghdad), 9 March 2007
- Standard Forms (SF) 600, 21 June 2007, 16 July 2007 and 15 August 2007
- Permanent Orders Number 263-009, Headquarters, Multi-National Division (Baghdad), 30 September 2007
- DD Form 214
- Enlisted Record Brief, 14 January 2010

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, in effect, he arrived in Kuwait on 1 September 2006. He moved to Baghdad in October 2007 and was he was medically evacuated on or about

21 September 2007. He has orders for the Combat Action Badge for January 2007 and his first Purple Heart for February 2007. Both awards show he was in Iraq during the surge which shows that he was involved in two campaigns in Iraq.

3. The applicant enlisted in the Regular Army (RA) on 3 June 2001. He served in military occupational specialty (MOS) 21B (Combat Engineer).

4. On 7 August 2004, he was honorably released from active duty upon the completion of his required active service. The DD Form 214 he was issued shows he completed 3 years, 2 months, and 5 days of active service. It also shows in:

- Block 12f (Foreign Service) 1 year, 4 months and 16 days foreign service
- Block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) he was awarded or authorized the:
 - Army Commendation Medal (2nd Award)
 - Army Good Conduct Medal
 - Global War on Terrorism Expeditionary Medal
 - Global War on Terrorism Service Medal
 - National Defense Service Medal
 - Army Service Ribbon
 - Overseas Service Bar (3rd Award)
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
 - Expert Marksmanship Qualification Badge with Grenade Bar
- Block 18 (Remarks) listed his service in Afghanistan from 15 January to 25 June 2002 (5 months and 11 days) and Kuwait/Iraq from 1 March 2003 to 5 February 2004 (11 months and 5 days)

5. The applicant again enlisted in the Regular Army on 1 December 2004. He served in MOS 21B. His Official Military Personnel File contains:

a. Permanent Orders 273-69, 326th Brigade Troops Battalion (Air Assault), 29 September 2004, which awarded him the Driver's Badge.

b. Enlisted Record Brief dated 14 January 2010, which notes he arrived in Germany 16 December 2004 and departed on 3 April 2008 (a period of foreign service of 3 years, 3 months and 19 days).

c. Permanent Orders Number 044-99, issued by Headquarters, Multi-National Division – Baghdad awarding him the Combat Action Badge on 16 January 2007.

d. Permanent Orders Number 263-099, issued by Headquarters, Multi-National Division – Baghdad awarding him the Purple Heart (2nd Award) for wounds received in action on 19 September 2007.

e. On 11 February 2010, he retired honorably due to permanent disability. The DD Form 214 shows in:

- Block 12f notes 3 years, 5 months and 26 days foreign service.
- Block 13 shows he was awarded or authorized the:
 - Army Commendation Medal (4th Award)
 - Purple Heart (2nd Award)
 - Army Achievement Medal (2nd Award)
 - Meritorious Unit Commendation
 - Army Good Conduct Medal (2nd Award)
 - National Defense Service Medal
 - Global War on Terrorism Expeditionary Medal
 - Global War on Terrorism Service Medal
 - Iraq Campaign Medal with Campaign Star
 - Noncommissioned Officer Professional Development Ribbon
 - Army Service Ribbon
 - Overseas Service Ribbon (3rd Award)
 - Combat Action Badge
 - Air Assault Badge
- Block 18 erroneously listed his previous service dates in Afghanistan (15 January 2002 to 25 June 2002 and Iraq (1 March 2003 to 5 February 2004), even though the deployments did not occur during the period covered by this DD Form 214; it does not list his 2007 deployment to Kuwait/Iraq

7. The applicant provides a/an:

a. DD Form 4/1 which shows he reenlisted on 4 October 2006 for 6 years in pay grade E-5, while in Kuwait.

b. Combat Action Badge and Purple Heart orders noting service in Iraq in 2007.

c. 3 SF 600's noting various treatments in Iraq.

8. During the processing of this case, the Defense Finance and Accounting Service (DFAS) reviewed his Master Military Pay Account. DFAS verified his deployed service in Kuwait from 1 September 2006 to 31 October 2007 (a period of 1 year and 2 months). 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.

9. AR 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:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant completed two periods of active service from 3 June 2001 to 7 August 2004. His first two deployments to Afghanistan and Kuwait/Iraq are listed on his first DD Form 214. During his second period of active service from 1 December 2004 to 11 February 2010, he also deployed to Kuwait/Iraq from on or about 1 September 2006 to on or about 21 September 2007. This deployment, and associated awards, is not listed on his DD Form 214 ending on 11 February 2010, and it should be.

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 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 for the period 21 September 2007 to 11 February 2010 as follows:

- Delete “Service in Afghanistan 15 January 2002 to 25 June 2002 and Iraq 1 March 2003 to 5 February 2004” and add “Service in Kuwait/Iraq 1 September 2006 to 21 September 2007”
- delete the Iraq Campaign Medal with Campaign Star and add Driver and Mechanics Badge with Driver-W Bar; and the Iraq Campaign Medal with 4 bronze service stars.

8/8/2024

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.

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 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. Approved campaigns are:

- Liberation of Iraq (19 March 2003-1 May 2003)
- Transition of Iraq (2 May 2003-28 June 2004)
- Iraqi Governance (29 June 2004-15 December 2005)
- National Resolution (16 December 2005-9 January 2007)
- Iraqi Surge (10 January 2007-31 December 2008)
- Iraqi Sovereignty (1 January 2009-31 August 2010)
- New Dawn (1 September 2010-31 December 2011)

b. 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)

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 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 his or her unit during their continuous period of active service, the statement "Service in (Name of Country Deployed) From YYYYMMDD - YYYYMMDD)"

//NOTHING FOLLOWS//