

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 October 2024

DOCKET NUMBER: AR20240001177

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his training and awards he is entitled.

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 enlisted in the Regular Army on 8 February 1989. He served in military occupational specialty 12C (Bridge Crewmember). The applicant's records contain DA Form 2-1 (Personnel Qualification Record) which shows in:
 - a. item 9 (Awards, Decorations & Campaigns) which shows he qualified as a marksman with the hand grenade on 23 March 1989.
 - b. item 17 (Civilian Education and Military Schools) that he successfully completed the 13-week, Bridge Crewmember course and 2-week, Skill Qualification Identifier R7, (Bridge Erection Boat Shallow Draft) course in 1989.
3. On 14 June 1991, he was honorably released from active duty upon the expiration of his term of service in the rank of specialist four/E-4. His DD Form 214 shows he completed 2 years, 4 months, and 7 days net active service during this period.
 - Item 12f (Foreign Service) does not list any foreign service.
 - Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Award or Authorized) Army Service Ribbon, Army Lapel Button, National Defense Service Medal, Army Achievement Medal, Expert Marksman Qualification Badge with Rifle Bar (M-16)
 - Item 14 (Military Education) does not list any military education

- Item 18 (Remarks) no entry regarding service in Southwest Asia.

4. The applicant's name is listed in the Defense Manpower Data Center (DMDC). The DMDC compiled the Operations Desert Shield/Desert Storm database, which is the primary file that contains one record for each active duty member who participated in theater. This file shows the applicant served in Southwest Asia from 1 February 1991 to 3 May 1991 (a period of 3 months and 3 days).

5. There is no evidence in the available records that shows he was awarded the Army Good Conduct Medal nor is there evidence of a commander's disqualification for the award. Additionally, there is no evidence of any convictions by courts-martial or receipt of nonjudicial punishment under Article 15, Uniform Code of Military Justice.

6. There is no right or entitlement to the Army Good Conduct Medal until the immediate commander approves the award and the award is announced in permanent orders, however, although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Military Training: Grant. The evidence shows the applicant completed Bridge Crewmember, 13 weeks, in 1989 and Bridge Erection Boat Shallow Draft, 2 weeks, also in 1989. His DD Form 214 should be corrected to show this training.

b. Army Good Conduct Medal: Grant. Although not specifically requested, the Board noted that the applicant served continuously on active duty from 8 February 1989 to 14 June 1991, completed of 2 years, 4 months and 7 days net active service during this period, and attained the rank/grade of specialist four/E-4. His record does not reflect any lost time or any derogatory information that would have disqualified him from receiving his first award of the Army Good Conduct Medal, or a commander's disqualifying memorandum for this award. The Board determined he met the criteria to be awarded the Army Good Conduct Medal (1st Award).

c. Foreign service/deployment and associated awards: The Board agreed with the administrative corrections. Based on the applicant's service in SWA, his foreign service, deployment, and associated awards should be reflected on his DD Form 214.

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

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:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

In addition to the correction addressed in Administrative Note(s) below, 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:

- awarding the applicant the Army Good Conduct Medal (1st Award) for service during the period 8 February 1989 to 14 June 1991
- amending the applicant's DD Form 214 as follows:
 - Block 13, adding award of the Army Good Conduct (1st Award)
 - Block 14, adding Bridge Crewmember, 13 weeks, 1989 and Bridge Erection Boat Shallow Draft, 2 weeks, 1989

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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 administrative correction to the applicant's DD Form 214 for the period ending on 14 June 1991 without action by the Board;

- a. Block 12f, add the entry "00 03 03."
- b. Block 13, add Southwest Asia Service Medal with two bronze service stars, Kuwait Liberation Medal – Saudi Arabia and Kuwait Liberation Medal – Kuwait
- c. Block 18, add "Service in Southwest Asia 910201 to 910503"

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) states:

a. The Southwest Asia Service Medal is awarded to members of the Armed Forces of the United States who participated in Operations Desert Shield/Desert Storm in the designated area on or after 2 August 1990 to 30 November 1995. A bronze service star is authorized for wear with this medal for participation in each credited campaign. Approved designated campaigns are:

- Defense of Saudi Arabia (2 August 1990 to 16 January 1991)
- Liberation and Defense of Kuwait (17 January to 11 April 1991)
- Southwest Asia Cease-Fire (12 April 1991 to 30 November 1995)

b. 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. Additionally, this regulation also states 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.

c. 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.

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. This regulation requires the following entries:

a. In item 12f enter the total amount of service performed outside the Continental United States (OCONUS) during the period covered by the DD Form 214, to include deployments. List periods of deployed service in item 18.

b. In item 18, for an active duty Soldier, list any/all OCONUS deployments completed during the period of the DD Form 214 being created, the statement "Service in (Name of Country Deployed) From (inclusive dates)."

4. Army Regulation 635-5 (Personnel Separations – Separation Documents), then in effect, states for item 14 to list formal in-service (full-time attendance) training courses successfully completed during the period of service covered by title, length in weeks, and month and year completed; e. g., medical, dental, electronics, supply, administrative, personnel or heavy equipment. Command and General Staff and Senior service Colleges, Senior Warrant Officer course, and Sergeants Major Academy Non-resident course may be included when successfully completed by correspondence. This information is to assist the soldier after separation in job placement and counseling; therefore, training courses for combat skills will not be listed.

5. 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//