

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 October 2024

DOCKET NUMBER: AR20240001495

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his service while assigned to the Pentagon as an Imminent Danger Pay (IDP) area.

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

- DD Form 149 (Application for Correction of Military Record)
- Leave and Earnings Statements (LES) from 1 September 2001 – 31 March 2002

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 that his DD Form 214 does not list his service in an IDP area. He served at the Pentagon during the attacks on 11 September 2001 and received IDP in December 2001 for the month of September 2001. Additionally, he states that because this area is not listed on his DD Form 214, it prevents him from some benefits with the Department of Veterans Affairs (VA).

3. A review of the applicant's service record shows:

- a. He enlisted in the Regular Army on 28 July 1994.
- b. His Enlisted Record Brief (ERB) shows in Section IX (Assignment Information) that he served at the Pentagon from 8 May 1999 until 28 February 2002.
- c. On 3 March 2011, he was honorably discharged from active duty. He completed 16 years, 7 months, and 6 days of active service. His DD Form 214 shows he served in an IDP area and had service in Iraq from 28 December 2004 through 10 December 2005 and from 27 March 2008 through 3 January 2009.

4. The applicant provides seven LES from 1 September through 31 March 2002, that show in pertinent part, the LES from 1 December 2001 – 31 December 2001 shows he received IDP in the amount of \$150.00. The remarks state he was paid Hostile Fire Pay (HFP) for the period of 1 September 2001 through 30 September 2001.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. An entry in Block 18 is required when an active duty Soldier deployed with his or her unit during their continuous period of active service, by entering the name of the country and the dates of deployment. The applicant did not deploy to the Pentagon. He was assigned to the Pentagon, Network Infrastructure Agency, and Office of the Deputy for Information Technology, on a permanent change of station, from around March 1999 to around March 2003. The entry pertaining to deployment does not apply in his case.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

10/31/2024

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, USC, 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 (AR) 635-5 (Separation Documents) in effect at the time, prescribes the separation documents that must be prepared for Soldiers on retirement, discharge, release from active duty service, or control of the Army. Source documents will consist of the enlisted record brief, and any other document authorized for filing in the official

military personnel file. Item 18 (Remarks); use this block for Headquarters, Department of the Army (HQDA) mandatory requirements when a separate block is not available, and as a continuation for entries in blocks 11, 13, and 14. For an active duty Soldier deployed with his or her unit during their continuous period of active service, enter "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates for example, YYYYMMDD - YYYYMMDD)."

//NOTHING FOLLOWS//