

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 November 2024

DOCKET NUMBER: AR20240001606

APPLICANT REQUESTS:

- correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his service in Iraq
- personal appearance before the Board

APPLICANT'S SUPPORTING DOCUMENT(S) 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 he is a veteran of the Iraq War but his service in Iraq is not shown on his DD Form 214. He was in an accident on his way to Iraq and eventually he was separated for medical reasons. Because his deployment is not shown on his DD Form 214, he is unable to join the Combat Veterans Motorcycle Association as a full member.
3. The applicant enlisted in the Regular Army on 13 January 2000. He reenlisted on 31 January 2003.
4. The applicant's DA Form 2-1 (Personnel Qualification Record – Part II) does not show service in Iraq in item 5 (Oversea Service).
5. Information obtained from the Defense Finance and Accounting Service indicates the applicant's Army Master Military Pay Account does not show periods of deployment (i.e. hostile fire/imminent danger pay and combat zone tax exclusion).

6. The applicant's DD Form 214 shows he was discharged on 5 August 2004 by reason of disability, severance pay. The DD Form 214 does not show foreign service in block 12f (Foreign Service) and does not show deployment dates in block 18 (Remarks).
7. There is no evidence in the applicant's available records showing service in Iraq.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was/was not warranted. The Board carefully considered 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. The governing regulation provides that at separation the service member's record will be used to enter accurate information when completing their DD Form 214. Upon reviewing the applicant's petition and available military records, the Board found insufficient evidence to support any deployment.
2. The Army prioritizes maintaining the accuracy and integrity of its records for historical purposes, ensuring that all recorded information reflects the conditions and circumstances at the time of its creation. Without clear evidence demonstrating a material error or injustice, the Board exercises caution in recommending changes to official records. While the burden of proof rests with the applicant, he did not provide supporting documentation, and his service record lacks sufficient evidence to substantiate his request for foreign service credit or confirm his participation in any deployment operations. Based on these findings, the Board denied relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

: : : GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

XX XXX XXX 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.

[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.

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 635-5 (Separation Documents), in effect during the applicant's active service, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It provides standardized policy for the preparation of the DD Form 214. It states the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. The regulation further states that:
 - a. In block 12f (Foreign Service), from the Enlisted Record Brief, enter the total amount of foreign service completed during the period covered in block 12c (Net Active Service this Period).
 - b. In block 18 (Remarks), for an active duty Soldier deployed to a foreign country with his or her unit during their continuous period of active service, enter the statement "SERVICE IN (name of country deployed) FROM (inclusive dates for example, YYYYMMDD-YYYYMMDD)."

3. Army Regulation 15-185 (ABCMR) provides Department of the Army policy, criteria, and administrative instructions regarding an applicant's request for the correction of a military record.

- a. Paragraph 2-9 states 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 evidence.
- b. Paragraph 2-11 states 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.

//NOTHING FOLLOWS//