

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 September 2024

DOCKET NUMBER: AR20240002066

APPLICANT REQUESTS: award of the Overseas Service Ribbon (OSR).

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

- DD Form 149 (Application for Correction of Military Record)
- Orders Number 213-011, 1 August 2003
- DD Form 214 (Certificate of Release or Discharge from Active Duty)

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 should have been awarded the OSR for his service period in Italy. He asks that his service record be corrected, and he be issued a DD Form 215 (Correction to DD Form 214).
3. The applicant provides Orders 213-01212 dated 1 August 2003, which show he was ordered to active duty in support of Operation Enduring Freedom with a report date of 10 August 2003 for a period of approximately 270 days at Fort McCoy, WI.
4. A review of the applicant's service record shows:
  - a. He enlisted in [REDACTED] Army National Guard ([REDACTED] ARNG) on 17 September 1997.
  - b. His DD Form 214 shows he entered active duty on 10 August 2003. He was honorably released from active duty 8 April 2004. He completed 7 months and 29 days of active service with 7 months and 1 day of prior active service. Block 18 (Remarks) shows the applicant served in Italy from 28 August 2003 to 13 March 2004 (6 months and 15 days). It also shows he was awarded or authorized:

- Army Achievement Medal
- Army Reserve Components Achievement Medal
- National Defense Service Medal
- Armed Forces Reserve Medal with M Device
- Army Service Ribbon

c. On 9 July 2004, he was honorably discharged from the [REDACTED] ARNG. His NGB Form 22 (Report of Separation and Record of Service) shows he completed 6 years, 9 months, and 23 days of net service for the period.

5. By regulation, Soldiers who serve a minimum of 11 cumulative months (within a 24-month period) or 9 continuous months in a TCS/TDY status may receive overseas tour credit for a completed short tour.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.
2. The Board found the applicant's tour of duty in Italy did not meet the eligibility criteria for the Overseas Service Ribbon and determined he is not authorized the ribbon.
3. The Board concurred with the correction described in Administrative Note(s) below.

#### BOARD VOTE:

| <u>Mbr 1</u> | <u>Mbr 2</u> | <u>Mbr 3</u> |  |
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|------------|------------|------------|----------------------|
| :          | :          | :          | GRANT FULL RELIEF    |
| :          | :          | :          | GRANT PARTIAL RELIEF |
| :          | :          | :          | GRANT FORMAL HEARING |
| [REDACTED] | [REDACTED] | [REDACTED] | DENY APPLICATION     |

BOARD DETERMINATION/RECOMMENDATION:

Other than the correction addressed in Administrative Note(s) below, the Board determined 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 otherwise insufficient as a basis for correction of the records of the individual concerned.

3/6/2025

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 additional awards not annotated on his DD Form 214 for the service period ending 8 April 2004. As a result, amend his DD Form 214 to show award of the Global War on Terrorism Service Medal.

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), paragraph 5-4, states the Overseas Service Ribbon is awarded to all members of the Active Army, Army National Guard, and Army Reserve in an active Reserve status for successful completion of overseas tours.
3. Army Regulation 614-30 (Overseas Service), states Soldiers who serve a minimum of 11 cumulative months (within a 24-month period) or 9 continuous months in a TCS/TDY status may receive overseas tour credit for a completed short tour.
4. Army Regulation 635-8 (Separation Processing and Documents), currently in effect, prescribes policy and procedural guidance relating to transition management. Specifically, it references instruction related to the preparation of the DD Form 214. In part it states the all (Federal) awards and decoration authorized or awarded are to be included on the DD Form 214

//NOTHING FOLLOWS//