

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 December 2024

DOCKET NUMBER: AR20240003343

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show a six-month deployment to Kuwait.

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

- DD Form 149 (Application for Correction of Military Record)
- Certificate of Achievement, Intrinsic Action 98-01
- Certificate of Achievement, Coalition Task Force – Kuwait
- DD Form 214

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. There is sufficient evidence to administratively correct the applicant's DD Form 214 without action by the Board, to add the Armed Forces Expeditionary Medal.
3. The applicant enlisted in the Regular Army on 2 September 1997. He served in military occupational specialty 91B (Medical Specialist).
4. On 14 May 1999, he was discharged under honorable conditions (general). The DD Form 214 he was issued shows:
 - a. Block 13, (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) Army Service Ribbon.
 - b. Block 12f (Foreign Service) contains the entry, "0000 00 00."
 - c. Block 18 (Remarks) does not include any remarks regarding foreign service.

5. The applicant provides a 1st Battalion, 30th Infantry Regiment, Certificate of Achievement for outstanding performance while serving with Task Force 1-30 Infantry, 3rd Infantry Division (Mechanized) during Intrinsic Action 98-01 and a Coalition Task Force – Kuwait Certificate of Achievement.

6. During the processing of this case, the Defense Finance and Accounting Service (DFAS) reviewed his Master Military Pay Account.

a. DFAS verified his deployed service in Kuwait for the period 1 February to 31 May 1998 (a period of 4 months).

b. 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.

7. 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, to include entering awards, foreign service and remarks pertaining to deployment locations and through dates.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the verification from the Defense Finance and Accounting Service, the Board concluded the applicant served four months in Kuwait which is not currently reflected on the applicant's DD Form 214; thus, the Board recommended granting partial relief to annotate that foreign service.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

█ █ █ GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. 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 Army records of the individual concerned be corrected by amending the applicant's DD Form 214 by:

- changing box 12f (Foreign Service) to reflect: 0000 04 00
- awarding and adding to block 13: Armed Forces Expeditionary Medal
- adding the remark, "Service in Kuwait from 19980201-19950531"

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to six months of foreign service credit to the applicant's DD Form 214.

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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.

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 635-8, 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:

a. Block 12f requires the entry of 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 block 18.

b. Block 18 requires, for an active duty Soldier, the listing of 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)."

3. The Armed Forces Expeditionary Medal is authorized for qualifying service after 1 July 1958 in military operations within specific geographic areas during specified time periods. An individual, who was not engaged in actual combat or equally hazardous activity, must have been a bona fide member of a unit participating in, or be engaged in the direct support of, the operation for 30 consecutive or 60 nonconsecutive days provided this support involved entering the area of operations. Army Regulation 600-8-22, tables 2-3, 2-4, and 2-5 address the Armed Forces Expeditionary Medal. For Exercise Intrinsic Action, the Armed Forces Expeditionary Medal is awarded only for those under the operational control of ARCENT during the crisis period indicated. For Operation Desert Spring from 31 December 1998 to 18 March 2003, Notes 1-3 to Table 2-5 (Armed Forces Expeditionary Medal – designated U.S. military operations of assistance to a friendly foreign nation) states:

a. Soldiers are only authorized one Armed Forces Expeditionary Medal for participation in the following Iraq operations: Operation Southern Watch (OSW); Maritime Intercept Operation (MIO), Operation Northern Watch (ONW); Desert Thunder; Desert Fox; and Operation Desert Spring. Subsequent award of the Armed Forces Expeditionary Medal is only authorized for individuals for nonconsecutive and nonconcurrent assignments in separate areas of eligibility (AOE) for which the Armed Forces Expeditionary Medal has been approved.

b. Soldiers who deployed in support of Southwest Asia for OSW, MIO, ONW, and Operation Desert Spring between 11 September 2001 to 18 March 2003 may elect to receive either the Armed Forces Expeditionary Medal or the Global War on Terrorism Expeditionary Medal for their service but only one award is authorized for the same period of service.

c. The AOE includes the total land and airspace of Iraq, Saudi Arabia, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman, Yemen, Egypt, and Jordan, and the waters and airspace above the Arabian Gulf (Persian Gulf) and the Gulf of Oman that lie west of the 62 degrees east longitude.

4. Army Regulation 15-185 (ABCMR) 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//