

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 December 2024

DOCKET NUMBER: AR20240003717

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 30 November 2003 to show award of the Bronze Star Medal.

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- Bronze Star Medal Certificate, 8 May 2003
- 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. The applicant states he was awarded the Bronze Star Medal while serving in Iraq in support of Operation Iraqi Freedom. As a result of stop-loss occurring at that time, the award was never annotated on his DD Form 214.
3. He enlisted in the Regular Army on 7 July 1983.
4. His Official Military Personnel File contains an automated Enlisted Record Brief prepared on 12 July 2002.
 - a. Section D (Overseas Service) shows he completed two long tours of foreign service in Germany and one short tour of foreign service in Korea.
 - b. Section E (Awards and Decorations) does not show the Bronze Star Medal, Iraq Campaign Medal, Global War on Terrorism Expeditionary Medal, or Global War on Terrorism Service Medal.

5. He provides, and his Official Military Personnel File contains, the Bronze Star Medal Certificate, 8 May 2003, showing he was awarded the Bronze Star Medal for exceptionally meritorious service while serving as the ammunitions logistics operation center noncommissioned officer in support of Operation Iraqi Freedom from 20 March 2003 through 1 August 2003 (4 months and 10 days). He was assigned to Battery B, 2d Battalion, 18th Field Artillery Brigade, V Corps Artillery, in Iraq.

6. His Official Military Personnel File does not contain the recommendation or orders awarding him the Bronze Star Medal.

7. He retired in the rank/grade of sergeant first class/E-7 on 30 November 2003. His DD Form 214 shows he completed 20 years, 4 months, and 24 days of net active service during this period, including 5 years, 11 months, and 5 days of foreign service. His DD Form 214 further shows in:

- item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) – no entries for the Bronze Star Medal, Iraq Campaign Medal, Global War on Terrorism Expeditionary Medal, or Global War on Terrorism Service Medal
- item 18 (Remarks) – no entry showing inclusive dates of service in Kuwait/Iraq

8. The Defense Finance and Accounting Service records do not show he received hostile fire/imminent danger pay and combat zone tax exclusion for service in Kuwait/Iraq for the period 20 March 2003 through 1 August 2003.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board found that relief was not warranted.

2. The Board carefully considered the applicant's contentions, the contents of his military records, the Certificate he provided, the absence of orders or a recommendation for a BSM, DFAS records that do not reflect hostile fire/imminent danger pay and the lack of a deployment entry on his DD Form 214. Based on a preponderance of evidence, the Board determined that the absence of a BSM in his records and on his DD Form 214 was not in error or unjust.

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.

X [Redacted Signature]

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, 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 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR will decide cases on the evidence of record; it is not an investigative body. The Board 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.

3. Army Regulation 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual military awards.

a. Paragraph 1-27 (Announcement of Awards) states award of all decorations, except for the Medal of Honor, will be announced in permanent orders by the appropriate awards approval authority.

b. The Bronze Star Medal is awarded to any person who, while serving in any capacity in or with the Army of the United States after 6 December 1941, distinguished himself or herself by heroic or meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy; or while engaged in military operations involving conflict with an opposing armed force in which the United States is not a belligerent party. Title 10, U.S. Code, section 1133, limits award of the Bronze Star Medal to service members receiving imminent danger pay.

c. The Iraq Campaign Medal is awarded to members who served in direct support of Operation Iraqi Freedom. The area of eligibility encompasses all the land area of the country of Iraq, the contiguous water area out to 12 nautical miles, and all air spaces above the land area of Iraq and above the contiguous water area out to 12 nautical miles. The Iraq Campaign Medal period of eligibility is on or after 19 March 2003 through 31 December 2011. A bronze service star is authorized for wear with this medal for participation in each credited campaign. Approved campaigns include the Liberation of Iraq (19 March 2003-1 May 2003) and Transition of Iraq (2 May 2003-28 June 2004).

d. The Global War on Terrorism Expeditionary Medal is authorized for award to service members of the Armed Forces of the United States who are deployed abroad for service in the Global War on Terrorism operations on or after 11 September 2001 to a date to be determined. Under no condition will personnel receive the Iraq Campaign Medal, Afghanistan Campaign Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, or Armed Forces Expeditionary Medal for the same action, time period, or service. Effective 30 April 2005, the Global War on Terrorism Expeditionary Medal is no longer authorized to be awarded for service in Afghanistan and/or Iraq. Soldiers are only authorized award of the Afghanistan Campaign Medal and Iraq Campaign Medal after this date.

e. The Global War on Terrorism Service Medal is authorized for award to members of the Armed Forces of the United States who participated in Global War on Terrorism operations outside of the areas of eligibility designated for award of the Global War on Terrorism Expeditionary Medal, Afghanistan Campaign Medal, or Iraq Campaign Medal. All Soldiers on active duty on or after 11 September 2001 to a date to be determined, having served 30 consecutive or 60 nonconsecutive days, are authorized the Global War on Terrorism Service Medal.

4. Army Regulation 635-5 (Separation Documents), effective 30 September 2000, established standardized policy for preparing and distributing the DD Form 214. The detailed instructions stated for:

- item 12f (Foreign Service) – enter the total amount of foreign service completed during the period covered by the DD Form 214
- item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) – list awards and decorations for all periods of service in the priority sequence specified in Army Regulation 600-8-22 – each entry will be verified by the Soldier's records – do not use abbreviations
- item 18 (Remarks) – for an active-duty Soldier deployed with his or her unit during their continuous period of active service, enter the statement "SERVICE IN (name of country deployed) FROM YYYYMMDD-YYYYMMDD"

//NOTHING FOLLOWS//