

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 October 2024

DOCKET NUMBER: AR20240003854

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the service period ending 14 November 1992 to show he received the following awards:

- Kuwait Liberation Medal
- Army Good Conduct Medal (2nd Award)
- Army Commendation Medal (2nd Award)
- Army Driver and Mechanic Badge

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 was given the above referenced awards prior to his expiration term of service but they do not show up on his DD Form 214. He is unsure if anything else is missing, such as unit awards.
3. A review of the applicant's available service record shows:
 - a. He enlisted in the Regular Army on 15 November 1988.
 - b. Orders Number 030-157 dated 14 February 1989 shows the applicant was awarded military occupational specialty (MOS) 39B, Automatic Test Equipment Operator and Maintainer.
 - c. A DA Form 2-1 (Personnel Qualification Record – Part II) shows the applicant had two periods of foreign service in Korea from 30 June 1989 to 27 June 1990, and in

Saudi Arabia from 8 October 1990 to 13 April 1991. Block 9 (Awards, Decorations, and Campaigns) lists the following:

- Army Service Ribbon
- Overseas Service Ribbon
- National Defense Service Medal
- Southwest Asia Service Medal with two bronze service stars
- Army Good Conduct Medal – 1st award, 14 November 1991
- Army Achievement Medal

d. Orders Number 4-5 dated 31 May 1990, announced the applicant's award of the Army Achievement Medal.

e. Orders Number 48-23 dated 14 November 1991, announced his award of the Army Good Conduct Medal – 1st Award.

f. He was honorably released from active duty on 14 November 1992. His DD Form 214 shows he completed 4 years of active service with no lost time. It also shows he was awarded or authorized:

- Army Service Ribbon
- Army Lapel Button
- National Defense Service Medal
- Army Achievement Medal
- Overseas Service Ribbon
- Army Good Conduct Medal (1st Award)
- Southwest Asia Service Medal with 3 bronze service stars
- Kuwait Liberation Medal
- Expert Sharpshooter Qualification Badge M-16 with Rifle Bar

g. The available service record is void of additional orders or award recommendations pertaining to the applicant's request.

4. A review of the applicant's record confirms he is eligible for awards that are not recorded on his DD Form 214. The entries will be added to his DD Form 214 as administrative corrections and will not be considered by the Board.

5. By regulation (AR 15-185), the ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

6. By regulation (AR 600-8-22):

a. The Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity. This period is 3 years except in those cases when the period for the first award ends with the termination of a period of active Federal military service. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified.

b. The Army Commendation Medal may be awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

7. By regulation (AR 635-5), the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was 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. Upon review of the applicant's petition and available military records, the Board determined there was sufficient evidence to confirm the applicant's deployment to Saudi Arabia from 8 October 1990 to 13 April 1991. Based on this deployment, the Board concluded the applicant is authorized the awards associated with service in the Persian Gulf.

2. However, the Board found the record is absent sufficient documentation such as an approved recommendation, a signed DA Form 638, or official orders to support award of the Army Commendation Medal. The Board noted that the burden of proof lies with the applicant to provide clear and convincing evidence to justify the award. Regarding the Army Good Conduct Medal, the Board determined that the applicant appropriately received the 1st Award for his period of active federal service from 15 November 1988 to 14 November 1991, consistent with regulatory guidance allowing up to a three-year qualifying period, or until separation for a first award.

3. Additionally, the Board concluded the applicant was not eligible for the Driver and Mechanic Badge. In accordance with regulatory criteria, a Soldier must serve as a driver or assistant driver of government vehicles for a minimum of 12 consecutive months or

accumulate at least 8,000 accident-free miles, with such details documented on DA Form 348-1. The applicant's record did not reflect this qualification. Based on the findings, the Board granted partial relief to update the applicant's records to reflect authorized deployment-related awards but denied additional requested decorations due to lack of supporting evidence.

4. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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


BOARD DETERMINATION/RECOMMENDATION:


1. In addition to the administrative notes annotated by the Analyst of Record (below the signature), 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 the Army records of the individual concerned be corrected by amending the applicant's DD Form 214 to show award of the Kuwait Liberation Medal – Kuwait.

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 award of a

- Army Good Conduct Medal (2nd Award)
- Army Commendation Medal (2nd Award)
- Army Driver and Mechanic Badge

6/20/2025

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 14 November 1992. As a result, amend his DD Form 214 to show:

- Delete: Kuwait Liberation Medal
- Add:
 - Kuwait Liberation Medal – Saudi Arabia
 - Korea Defense 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 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 begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. 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), currently in effect, prescribes Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity. This period is 3 years except in those cases when the period for the first award ends with the termination of a period of active Federal military service. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified.

b. The Army Commendation Medal may be awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

c. The Driver and Mechanic Badge now known as Driver and Technician Badge is awarded to drivers, maintainers, technicians, specialists, repairers, and special equipment operators to denote the attainment of a high degree of skill in the operation and maintenance of motor vehicles and equipment.

Any commander in the rank of LTC/O-5 or higher may approve award of the Driver Badge, Technician Badge, and Technician-S (Senior) badge. Any commander in the rank of COL/O-6 or higher may approve the Technician-M (Master) badge.

Component bars are authorized only for the following types of vehicles or

qualifications: (1) Driver-W for wheeled vehicles. (2) Driver-T for tracked vehicles. (3) Driver-M for motorcycles. (4) Driver-A for amphibious vehicles. (5) Technician of munitions, mechanical, or electrical equipment. (a) Technician-S Technician Senior. (b) Technician-M Technician Master. (6) Operator-S for special mechanical equipment. d. The eligibility requirements for drivers require that a Soldier must—

(1) Qualify for and possess a current OF 346 (U.S. Government Motor Vehicles Operator's Identification Card), issued as prescribed by AR 600-55.

(2) Be assigned duties and responsibilities as a driver or assistant driver of Government vehicles for a minimum of 12 consecutive months or during at least 8,000 miles with no Government motor vehicle accidents or traffic violations recorded on DA Form 348-1 (Equipment Operator's Qualification Record (Except Aircraft) continuation sheet).

(3) Perform satisfactorily for a minimum period of 1 year as an active qualified driver instructor or motor vehicle driver examiner. e. The basic eligibility requirements for the Technician Badge require that a Soldier must—

(1) Complete an MOS course conducted under the auspices of TRADOC unless a waiver is approved by the branch commandant.

(2) Be assigned as a maintainer, technician, specialist, or repairer in a TOE or TDA position.

(3) Perform in that capacity for a minimum of 12 consecutive months of satisfactory performance and complete one technical certification.

3. Army Regulation 635-5 (Separation Documents), in effect at the time, provides for the preparation and distribution of the DD Form 214. The DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

//NOTHING FOLLOWS//