

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 December 2024

DOCKET NUMBER: AR20240004215

APPLICANT REQUESTS: correction of his service in Afghanistan shown in Item 18 (Remarks) of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for service ending 15 December 2011.

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

- DD Form 149 (Application for Correction of Military Record)
- 3rd Brigade Combat Team (BCT), 101st Airborne Division (Air Assault) Memorandum, Subject: Statement of Service, 22 April 2010
- DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), 15 October 2010
- DD Form 214 for service ending 15 December 2011
- U.S. Army Human Resources Command (AHRC) Orders Number A-11-031669A02

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 his DD Form 214 shows he served in Afghanistan during the period of 12 December 2009 through 6 January 2010; however, it should state he served in Afghanistan during the period of 12 December 2009 through 16 October 2010. He was hired by a Federal agency and can only be credited for three weeks of service based on this error.
3. A review of the applicant's service record shows:
 - a. On 14 September 2004, the applicant enlisted in the Army National Guard of the United States (ARNGUS).

b. Enlisted Record Brief shows in Section 1 (Assignment Information), he served in Afghanistan during the period of 12 December 2009 through 11 October 2010, which was handwritten on the document.

c. On 20 September 2004, Orders Number 4264-5, issued by the Military Entrance Processing Station, the applicant was ordered to active duty for training effective 26 October 2004 to attend Basic Combat Training and Advanced Individual Training for a period of approximately 19-weeks.

d. On 25 February 2005, the applicant was honorably released from active duty. DD Form 214 shows the applicant completed 4-months of active service.

e. On 15 August 2006, Orders Number 227-254, issued by the [REDACTED] ARNG JFHQ, the applicant was ordered to active duty in support of Operation Iraqi Freedom, effective 5 September 2006.

f. On 14 December 2007, the applicant was honorably released from active duty. DD Form 214 shows the applicant completed 1-year, 3-months, and 10-days of active service.

g. On 28 August 2009, Orders Number 240-056, issued by the [REDACTED] ARNG JFHQ, the applicant was ordered to active duty in support of Operation Enduring Freedom, effective 26 October 2009.

h. On 1 October 2009, the applicant extended his enlistment in the ARNGUS for 1-year for a new expiration term of service of 13 September 2011.

i. On 29 December 2009, HQs, 4th BCT (Airborne), 25th Infantry Division (ID), Task Force Yukon, Memorandum, Subject: Statement of Service, certified the applicant deployed to Afghanistan during the period of 12 through 28 December 2009 with the 4th BCT, 25th ID (Airborne). He served on Task Force Yukon in support of Operation Enduring Freedom with duty at Forward Operating Base (FOB) Gardez, Afghanistan.

j. On 30 December 2009, 4th BCT (Airborne), 25th ID, 1-45th OK Agribusiness Development Team, Memorandum, Subject: Statement of Service, certified that during the period of 10 December 2009 through 1 October 2010 he served in support of Operation Enduring Freedom with duty at FOB Gardez, Afghanistan.

k. On 12 January 2010, 4th BCT (Airborne), 25th ID, 1-45th OK Agribusiness Development Team, Memorandum, Subject: Statement of Service, certified that during the period of 29 December 2009 through 6 January 2010 he served in support of Operation Enduring Freedom with duty at FOB Gardez, Afghanistan.

l. On 22 April 2010, 3rd BCT, 101st Airborne Division (Air Assault) Task Force Rakkasan Memorandum, Subject: Statement of Service, certified the applicant deployed to Afghanistan in support of Operation Enduring Freedom during the period of 22 April through 10 October 2010.

m. On 20 May 2010, the 1-45th OK Agribusiness Development Team, FOB Gardez, Afghanistan, requested the applicant be awarded the Afghanistan Campaign Medal with Bronze Service Star for service during the period of 8 December 2009 through 9 March 2010.

n. On 12 July 2010, Permanent Orders Number 193-016, issued by HQs, 3rd BCT, 101st Airborne Division (Air Assault) the applicant was awarded the Army Commendation Medal for outstanding service during the period of 26 October 2009 through 1 October 2010 in a combat zone in support of Operation Enduring Freedom, while he was assigned to the 1-45th OK Agribusiness Development Team.

o. On 15 September 2010, the 1-45th OK Agribusiness Development Team, FOB Gardez requested the applicant be awarded the Overseas Service Ribbon with the numeral two for service during the period of 6 December 2009 through 15 September 2010.

p. On 15 October 2010, the applicant reenlisted in the ARNGUS for 6-years while at Bagram, Afghanistan for a new expiration of term of service of 13 September 2017.

q. The applicant was awarded the North Atlantic Treaty Organization Medal for service with the International Security Assistance Force in Afghanistan during the period of 8 December 2009 through 15 October 2010.

r. On 10 November 2010, Orders Number A-11-031669, issued by AHRC, the applicant was retained on active duty, effective 16 November 2010, and assigned to the Warrior Transition Battalion, Fort Huachuca, AZ, to participate in the Reserve component warriors in transition medical retention processing program for completion of medical evaluation and medical care and treatment. He was authorized to travel from Camp Atterbury to Fort Huachuca and reporting no later than 16 November 2010.

s. On 30 August 2010, the Warrior Transition Unit, Fort Huachuca, Memorandum, Subject: Request for Early Release from Active Duty (REFRAD), the medical evaluation on the applicant resulted in the finding of fit for duty and he was to be released to rejoin his ARNGUS unit.

t. On 7 September 2011, AHRC Memorandum, Subject: Request for Early REFRAD for the applicant was approved for his release no later than 15 December 2011.

u. On 15 December 2011, the applicant was honorably released from active duty. DD Form 214 shows the applicant completed 2-years, 1-month, and 20-days of active service. It also shows in:

- Item 12f: 9-months and 22-days
- Item 18: service in Afghanistan during the period of 12 December 2009 through 6 January 2010 which is 25-days

v. On 1 October 2012, Orders Number A-10-217926, issued by AHRC, the applicant was ordered to active duty, effective 28 September 2012, to participate in the Reserve component warriors in transition medical retention processing program for completion of medical care and treatment.

w. On 11 December 2013, Orders Number A-12-316596, issued by HQs, U.S. Army Medical Command, the applicant was retained on active duty, effective 13 December 2013, to participate in the Reserve component medical hold transfer for completion of medical care and treatment.

x. On 10 March 2014, the informal Physical Evaluation Board found the applicant physically unfit for retention and recommended he be placed on the Permanent Disability Retired List (PDRL) with a 40 percent disability. The applicant concurred with the findings and waived a formal hearing.

y. On 31 March 2014, Orders Number 090-0022, issued by HQs, U.S. Army Garrison, Fort Bliss, the applicant was placed on the PDRL, effective 23 May 2014.

z. On 22 May 2014, the applicant was honorably retired from active duty and assigned to the U.S. Army Reserve Control Group (Retired Reserve) effective 22 May 2014. DD Form 214 shows the applicant completed 1-year, 7-months, and 25-days of active service.

4. On 25 November 2024, in the processing of this case, the Defense Finance and Accounting Service advised there was no record the applicant received hostile fire pay for Afghanistan. However, a travel voucher shows a temporary duty period of 26 October 2009 through 10 November 2010. It also shown an entry for Afghanistan Other (Lodging on Economy) for the period of 9 December 2009 through 19 October 2010.

5. The applicant's Defense Joint Military. Pay System - RC (DJMS-RC) records shows on:

(1) DJMS-RC dated 4 November 2009; the applicant began active duty for training on 26 October 2009.

(2) DJMS-RC dated 22 December 2009; the applicant began to receive Hazardous Duty Pay (HDP) in the amount of \$50.00 per month and Imminent Danger Pay (IDP) \$225.00 per month on 9 December 2009.



(3) DJMA-RC dated 1 November 2010; the applicant received HDP during the period of 16 through 31 October 2010 in the amount of \$13.33 which equals to \$50.00 divided by 30-days equals \$1.66 per day for 8-days times 1.66 = \$13.33. The 8-days would be 16 through 24 October 2010.

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 applicant's DD Form 214, ending on 15 December 2011 reflecting nine months and twenty-two days of foreign service and the start date of the foreign service beginning on 12 December 2009, the board concluded there was sufficient evidence to change the REMARKS section of the applicant's DD Form 214 related to Afghanistan service to show the end date of 3 October 2010.

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:

- Removing the current entry, "SERVICE IN AFGHANISTAN 20091212 – 20100106"
- Adding an entry reflecting, "SERVICE IN AFGHANISTAN 20091212 – 20101003"

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 any other requested relief.

3/17/2025

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.

REFERENCES:

1. Title 10, USC, 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 (AR) 635-5 (Personnel Separations – Separation Documents) in effect at the time, prescribes the separation documents that must be prepared for Soldiers on retirement, discharge, release from active duty service, or control of the Active Army. It establishes standardized policy for preparing and distributing the DD Form 214 (Certificate of Release or Discharge from Active Duty).

a. Paragraph 2-3 (Source documents), approval documentation must be present for transition processing to occur. All source documents should be in place to complete the DD Form 214WS. If approval documentation is not present in a Soldier's records, action will be coordinated with the necessary activity (personnel service division, Assistant Chief of Staff for Personnel/Adjutant General or chain of command) for proper source documents. Use the following documents when preparing a DD Form 214:

- Enlisted Record Brief (ERB) (computer generated)
- DA Form 4037 (Officer Record Brief) (ORB) (computer generated)
- Separation approval authority documentation, if applicable
- Separation order
- Any other document authorized for filing in the Official Military Personnel File

b. Paragraph 2-4h(12)(f) (Foreign Service), from the ERB/ORB, enter the total amount of foreign service completed during the period covered in block 12c. (18) (Remarks), (f) for a Reserve Soldier ordered to active duty and deployed to a foreign country, enter the following three statements in succession. (1) "ORDERED TO ACTIVE DUTY IN SUPPORT OF (OPERATION NAME) PER 10 USC (applicable section)." (2) "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates for example, YYYYMMDD - YYYYMMDD)." (3) "SOLDIER COMPLETED PERIOD FOR WHICH ORDERED TO ACTIVE DUTY FOR PURPOSE OF POSTSERVICE BENEFITS AND ENTITLEMENTS."

//NOTHING FOLLOWS//