

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 January 2025

DOCKET NUMBER: AR20240004234

APPLICANT REQUESTS: his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 23 February 2004 to reflect the Iraq Campaign Medal and a video/telephonic appearance before the Board.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored statement
- NGB Form 22 (National Guard Bureau Report of Separation and Record of Service)

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 served in Iraq from 2003 to 2004 and is eligible but did not receive the Iraq Campaign Medal. He believes the Iraq Campaign Medal was awarded retroactively after his term of service overseas as a U.S. Army Military Policeman. He asks the Board to consider his request and grant him relief.
3. The applicant provides NGB Form 22 for the period ending 11 April 2006, showing he was issued a DD Form 214 for Operation Enduring Freedom/Operation Iraqi Freedom (OEF/OIF) for the period 24 February 2003 to 23 February 2004.
4. A review of the applicant's service record shows:
 - a. He enlisted in [REDACTED] Army National Guard ([REDACTED] ARNG) on 12 April 2000.
 - b. The applicant served two prior honorable periods of active duty as listed below:
 - 11 October 2000 to 2 March 2001 – Active Duty Training

- 9 October 2001 to 22 August 2002 – in support of Operation Noble Eagle

c. He entered active duty on 24 February 2003.

d. On 23 February 2004, he was honorably released from active duty. His DD Form 214 shows he served 1 year of active service with 8 months and 5 days of foreign service. Block 18 (Remarks) shows service in Southwest Asia from 15 May 2003 to 19 January 2004. It also shows he was awarded or authorized:

- Army Lapel Button
- Army Commendation Medal
- National Defense Service Medal
- Armed Forces Reserve Medal with Mobilization Device (2nd Award)
- Army Service Ribbon
- Expert Marksmanship Qualification Badge with Rifle Bar

e. An Army Commendation Medal Certificate, Permanent Order 321-08, dated 17 November 2003, shows the applicant served meritoriously as a driver during OIF from 14 May 2003 to 1 February 2004.

f. An [REDACTED] ARNG memorandum, dated 13 November 2004, certifying the applicant had completed the required periods of service from 9 October 2001 to 22 August 2002 and 24 February 2003 to 23 February 2004 to qualify him for award of the Global War on Terrorism Service Medal and the Global War on Terrorism Expeditionary Medal.

g. Permanent Orders 174-005, dated 23 June 2006, announced award of the applicant's Combat Action Badge for personally engaging the enemy or being engaged by the enemy during combat operations from 21 October 2003 to 25 October 2003.

h. A DD Form 215 (Correction to DD Form 214) shows the Global War on Terrorism was added as a correction to his DD Form 214 for the service period ending 22 August 2002.

i. A second DD Form 215 identified the below listed corrections for the DD Form 214 issued on 23 April 2004.

- Global War on Terrorism Expeditionary Medal
- Overseas Service Ribbon
- Army Good Conduct Medal
- Global War on Terrorism Service Medal

5. On 10 January 2025, a member of the Defense Finance Accounting Services staff provided email verification to confirm the applicant deployed to Kuwait from 15 May 2003 to 19 January 2004.

8. A review of the applicant's service record confirms an administrative entry and awards were omitted from his DD Form 214. The entries will be added as administrative corrections and will not be considered by the Board.

9. By regulation (AR 15-185), an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

10. By regulation (AR 600-8-22), the Iraq Campaign Medal is awarded to members who have served in direct support of Operation Iraqi Freedom (OIF). 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.

11. 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. Item 18 (Remarks), for Soldiers who deployed with his or her unit during their continuous period of active service, enter a statement "SERVICE IN (name of country deployed) FROM (inclusive dates for example, YYYYMMDD-YYYYMMDD)."

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The evidence of record shows the applicant deployed to Kuwait from 15 May 2003 to 19 January 2004. The applicant requested award of the Iraq Campaign Medal; however, the Board noted his record contains award of the Global War on Terrorism Expeditionary Medal. The Board was unclear whether the applicant was explicitly indicating he wanted his Global War on Terrorism Expeditionary Medal removed and replaced with the Iraq Campaign Medal or whether he thought he was entitled to both. Without this information, the Board was unable to grant relief.

2. Prior to closing the discussion, the Board reviewed and concurred with the administrative notes below.
3. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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.

5/5/2025

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 shows an authorized award and entry were not annotated on his DD Form 214, for the service period ending 23 February 2004. As a result, amend his DD Form 214 to show:

- Combat Action Badge
- Block 18 – Remove “Service in Southwest Asia from 20030515 to 20040119” and add “Service in Kuwait from 20030515 – 20040119”

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.

a. 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.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

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

a. The Iraq Campaign Medal is awarded to members who have served in direct support of Operation Iraqi Freedom (OIF). 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 are:

- Liberation of Iraq (19 March 2003-1 May 2003)
- Transition of Iraq (2 May 2003-28 June 2004)
- Iraqi Governance (29 June 2004-15 December 2005)
- National Resolution (16 December 2005-9 January 2007)
- Iraqi Surge (10 January 2007-31 December 2008)
- Iraqi Sovereignty (1 January 2009-31 August 2010)
- New Dawn (1 September 2010-31 December 2011)

b. Service members qualified for the Global War on Terrorism Expeditionary Medal by reason of service between 19 March 2003 and 28 February 2005, in an area for which the Iraq Campaign Medal was subsequently authorized, will remain qualified for that medal. Upon application, any such service member may be awarded the Iraq Campaign Medal in lieu of the Global War on Terrorism Expeditionary Medal for such service. No service member will be entitled to both medals for the same act, achievement, or period of service.

4. Army Regulation 635-5 (Separation Documents), in effect at the time, states 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. Item 18 (Remarks), states for active-duty Soldiers deployed with his or her unit during their continuous period of active service, enter "SERVICE IN (name of country deployed) FROM (inclusive dates for example, YYYYMMDD-YYYYMMDD)."

//NOTHING FOLLOWS//