

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 December 2024

DOCKET NUMBER: AR20240004295

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show:

- His deployment(s) to Iraq
- His separation date in 2015 or 2016 vice 2010

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, 19 June 2007 to 8 October 2010

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 his current DD Form 214 does not document the time he served in Iraq. It shows his service dates from 06/19/2007-10/08/2010. However, this is only covering one of his deployments. He was also deployed to Iraq for 11 months and became sick during this deployment. His separation date from the Army should be in 2015 or 2016. He also went into the reserves following his deployment to Iraq. He is requesting the service dates be corrected and his Iraq deployment added. He would like all his time spent in service documented on his DD Form 214 as well as his deployments.
3. The applicant enlisted in the U.S. Army Reserve for 8 years (statutory obligation) under the Delayed Entry Program (DEP) on 5 June 2007.
  - a. He was discharged from the DEP and enlisted in the Regular Army (active-duty contractual obligation) for 3 years and 16 weeks on 19 June 2007. He completed training and was awarded military occupational specialty (MOS) 11C, Indirect Fire Infantryman.

b. His Enlisted Record Brief (ERB) shows, following completion of MOS training, he served in Korea from around February 2008 to around December 2008.

c. There are no order in the applicant's official record and he provides none to show the dates of deployment to Iraq or any other theater. His service record contains Orders A-02-003845, issued by Landstuhl Reginal Medical Center, Germany on 1 February 2010. The orders ordered the applicant as follows:

- Report to: Beaumont Army Medical Center at Fort Bliss, TX
- Assigned him to Troop A, 13th Armored Cavalry Regiment
- Attached him to Warrior Transition Battalion Fort Bliss for continued medical care
- Report Date: 1 February 2010, for 10 days

d. On 29 June 2010, the applicant completed his re-separation counseling checklist at Fort Bliss, TX.

e. On 21 July 2010, Headquarters, Fort Bliss published Orders 202-0330 ordering the applicant's reassignment to the U.S. Army Transition Point for separation (from active duty) effective 8 October 2010 and reassignment to the U.S. Army Reserve Control Group (Reinforcement) to complete his remaining statutory service obligations.

f. The applicant was honorably released from active duty on 8 October 2010 for completion of his required active service, and transferred to the U.S. Army Reserve Control Group (Reinforcement) to complete his remaining statutory service obligations. His DD Form 214 shows he completed 3 years, 3 months, and 20 days of active service. His DD Form 214 also shows in:

- Block 12b (Separation date This Period) 2010-10-08
- Block 12h (Foreign Service) 0001-00-01
- Block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized): Army Achievement Medal, National Defense Service Medal, Global War on Terrorism Service Medal, Korea Defense Service Medal, Army Service Ribbon, Overseas Service Ribbon (2nd Award)
- Block 18 (Remarks) no listing of any deployments

g. On 9 June 2015, the U.S. Army Human Resources Command published Orders D-06-511011 ordering the applicant's discharge from the U.S. Army Reserve Control Group (Reinforcement) effective 9 June 2015 (the end of his 8-year statutory obligation)

4. Aside from the listing of the Iraq Campaign Medal with campaign star on his Enlisted Record Brief, there is no documentary evidence (deployment orders, temporary duty or temporary change of station, awards, evaluations, PERSTEMP report) of the applicant's service in Iraq or dates of such service.

5. There is no evidence the applicant performed active duty service beyond 8 October 2010.

6. The DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The information entered thereon reflects the conditions as they existed at the time of separation.

#### BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Deployment: Deny. The applicant's service record is void of evidence of deployment to Iraq or exact dates of such deployment. If the applicant has deployment orders (with exact dates), awards, or copies of his Leave and Earnings Statement, reflecting receipt of hostile fire pay, he may reapply to this Board for reconsideration.

b. Separation Date: Deny. The DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The applicant served on active duty from 19 June 2007 to 8 October 2010. There is no evidence the applicant performed active duty service beyond 8 October 2010. Therefore, the Board determined the separation from active duty date shown on his DD Form 214 is not in error or unjust.

c. If the applicant can provide supporting documentation of exact dates of deployment, he may reapply to this Board for reconsideration.

b. Army Good Conduct Medal: Grant. As a related award, although not specifically requested, the Board noted that the applicant served continuously on active duty from 19 June 2007 through 8 October 2010. He completed 3 years, 3 months, and 20 days of net active service. His record does not reflect any lost time or any derogatory information that would have disqualified him from receiving his first award of the Army Good Conduct Medal, or a commander's disqualifying memorandum for this award. The Board determined he met the criteria to be awarded the Army Good Conduct Medal (1st Award).

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 the Army records of the individual concerned be corrected by:

- awarding the applicant the Army Good Conduct Medal (1st Award) for service during the period 19 June 2007 through 18 June 2010
- adding award of the Army Commendation Medal and Army Good Conduct (1st Award) to his DD Form 214

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 deployment to Iraq and change his separation date.

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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 (Separation Documents and Processing) prescribes the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active duty service or control of the Active Army. 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. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214. The specific instructions for

a. Block 12b: Separation Date This Period. List the Soldier's transition date. This date may not be the contractual date if the Soldier was separated early, voluntarily extends, is extended to make up lost time, or is retained on active duty for the convenience of the Government.

b. Block 12f: Foreign Service. Enter the total amount of service performed outside the continental United States (OCONUS) during the period covered in block 12c to include deployments. Additionally, list periods of deployed service in block 18.

c. Block 13: Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized. List all federally recognized awards and decorations for all periods of service. Do not use abbreviations. Do not enter foreign or State level awards on DD Form 214. State awards and decorations will be entered on NGB Form 22/

d. Block 18, Remarks. Use this block for HQDA mandatory requirements when a separate block is not available; as a continuation for certain entries, or for conditional entries as listed below. One of these entries is for active duty Soldiers, list any/all OCONUS deployments completed during the period of the DD Form 214 being created in statement "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates)."

//NOTHING FOLLOWS//