

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 December 2024

DOCKET NUMBER: AR20240004307

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 3 February 2023 to show:

- his foreign service in Kuwait and Iraq
- a different nearest relative in block 19b (Nearest Relative)

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214

FACTS:

1. The applicant states, in effect, the name in block 19b is incorrect because the individual listed was deceased at the time the form was created. The applicant was in the hospital receiving behavioral health treatment and Soldier Recovery Unit administrators incorrectly filled out his DD Form 214 without him being present to sign and ensure it was correct. He provides his current spouse's name without an address.

2. On 2 January 2022, the applicant was ordered to active duty, as a member of the U.S. Army Reserve, in support of Operation Inherent Resolve.

3. On 3 February 2023, he was honorably released from active duty upon the completion of his required active service. The DD Form 214 he was issued does not show any foreign service. The form shows he was unavailable for signature and that he was awarded or authorized the:

- Army Reserve Components Achievement Medal
- National Defense Service Medal
- Global War on Terrorism Service Medal
- Army Service Ribbon
- Armed Forces Reserve Medal
- Armed Forces Reserve Medal with "M" Device
- Marksmanship Badge with Rifle Bar

4. During the processing of this case, the Defense Finance and Accounting Service (DFAS) reviewed and provided a number of leave and earnings statements (LES).

a. The LESs show he received hazardous duty pay (HDP) for Kuwait from 24 January 2022 to 5 February 2023.

b. DFAS provided LESs which show no HDP after 24 January 2022 to 15 June 2022.

c. Note: DFAS only verifies receipt of hostile fire/imminent danger pay. DFAS does not verify inclusive dates of deployed service or deployment locations beyond the first qualifying country (e.g., Kuwait versus Iraq). DFAS pay records are not considered "source documents," but may be considered as supporting documents leading to a preponderance of the evidence. A second source document is required.

5. His Official Military Personnel File contains:

a. Orders deploying him in a Temporary Change of Station (TCS) status in support of Operation Inherent Resolve, Camp Buehring, Kuwait, with a proceed date of 23 January 2022. The order was amended to state the applicant would also perform duty at Iraq, Jordan, Qatar, and Syria.

b. North Atlantic Treaty Organization Travel Order in support of the aforementioned TCS order, which listed his date of departure as 23 January 2022 with an expected date of return of 5 February 2023.

c. DA Form 199 (Informal Physical Evaluation Board Proceeding). Section III: Medical Conditions Determined to be Unfitting, states the applicant sought treatment for a condition in May 2022 while deployed to Kuwait and was hospitalized for the condition in May 2022.

6. Army Regulation 635-8 (Separation and Processing and Documents), establishes the standardized policy for preparing and distributing the DD Form 214. Chapter 5 contains guidance on the preparation of the DD Form 214, to include entering awards, training, foreign service, and remarks pertaining to deployment locations and through dates.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found partial relief is warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.
2. The Board found that, while the evidence shows the applicant was deployed to Kuwait, it is unclear when he arrived in Kuwait and when he returned to the United States. The Board determined there is insufficient data available to add an accurate statement of his Kuwait service to his DD Form 214.
3. The Board noted that the applicant was not available to sign his DD Form 214 and agreed that the clerk preparing the form erroneously used information regarding a deceased next of kin to complete block 19b. The Board determined it would be appropriate to replace the name in block 19b with the name of his wife as he requested in his application.

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 replacing the name in block 19b of his DD Form 214 with the name of his wife as provided on his application.

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 relief in excess of that described above.

12/8/2024

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. Army Regulation 635-8 establishes the standardized policy for preparing and distributing the DD Form 214. Chapter 5 contains guidance on the preparation of the DD Form 214. It states for:

- block 12f (Foreign Service) enter the total amount of foreign service completed during the period covered by the DD Form 214
- block 18 (Remarks) for an active duty Soldier deployed with their unit during their continuous period of active service, the statement "Service in (Name of Country Deployed) From YYYYMMDD - YYYYMMDD)"

2. Army Regulation 635-8, establishes the policies and provisions for the preparation and distribution of the DD Form 214. It states the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge.

a. The regulation states block 19a (Mailing Address After Separation) is provided by the Soldier and must be a permanent address for mailing purposes. The "permanent"

address serves as a basis for contacting a Soldier within a short time after separation in the event the need arose.

b. The regulation states that block 19b (Nearest Relative) is provided by the Soldier and should reflect the name and address of a relative who would know the Soldier's location and address. If a relative is not available, list a close friend.

3. Army Regulation 600-8-22 (Military Awards) states the Inherent Resolve Campaign Medal (IRCM) period of award is 15 June 2014 to 30 June 2022 for qualifying service in Iraq and Syria. On or after 1 July 2022 to a future termination due to be prescribed by the Secretary of Defense for qualifying service only in Syria. The area of eligibility (AOE) is/and:

a. 15 June 2014 to 30 June 2022, all of the land area of the countries of Iraq and Syria, the contiguous waters of each extending out to 12 nautical miles, and the air space above the land area and contiguous waters.

b. 15 June 2014 to a date to be determined, all of the land area of the country of Syria, the contiguous waters of each extending out to 12 nautical miles, and the air space above the land area and contiguous waters.

c. Servicemembers must have been assigned, attached, or mobilized for 30 days (consecutive or nonconsecutive) to a unit operating in the AOE or meet one of the following criteria:

(1) Was engaged in combat during an armed engagement in the AOE.

(2) While participating in an operation or on official duties, was killed or wounded or injured and medically evacuated from the AOE.

(3) While participating as a regularly assigned air crewmember flying sorties into, out of, within, or over the AOE in direct support of the military operations. Each day of operations counts as 1 day of eligibility.

d. The following rules apply to award the IRCM:

(1) The IRCM may be awarded posthumously.

(3) The IRCM is not authorized for foreign military personnel.

(4) The IRCM is not authorized for personnel not physically in the AOE.

(5) Soldiers assigned to a unit operating in Iraq between 15 June 2014 to 30 June 2022 but supporting the unit from Kuwait are not entitled to the IRCM unless they are physically in Iraq for 30 consecutive or nonconsecutive days.

(6) Under no condition will personnel or units receive more than one campaign or expeditionary medal for the same action, time period, or service.

(7) Soldiers awarded the GWOTEM for IRCM qualifying service between 15 June 2014 and 30 March 2016 in an area for which the IRCM was authorized subsequently remain qualified for that medal. Upon application, Soldiers may be awarded the IRCM in lieu of that GWOTEM. No Soldier will be entitled to both medals for the same act, achievement, or period of service (that is, deployment or tour in the designated operation area).

4. Army Regulation 15-185 prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR 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.

//NOTHING FOLLOWS//