

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 November 2024

DOCKET NUMBER: AR20240004362

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

- Legion of Merit
- Kuwait Liberation Medal
- Army Sea Duty Ribbon
- Army Commendation Medal (one award)

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

- DD Form 149 (Application for Correction of Military Record)
- Legion of Merit Certificate, Permanent Orders (PO) Number 62-4, 16 April 1992
- DD Form 214, for the period ending 29 February 1992

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 never really cared, he knew. Then, at Christmas, his grandson asked if when he passed, he could have them and he told him yes. He went to his personnel after he got the Legion of Merit but they just gave him the run around, so he let it go until his grandson asked.
3. The applicant's records contain sufficient evidence to support corrections not shown on his DD Form 214. His DD Form 214 will be administratively corrected to show the Legion of Merit and Kuwait Liberation Medal – Kuwait and Kuwait Liberation Medal – Saudi Arabia. Additionally, his DD Form 214 will be amended to show his foreign service in the remarks section. The Board will consider removal of one Army Commendation Medal and the Army Sea Duty Ribbon.

4. The applicant provides his Legion of Merit Certificate with PO Numbers 62-4, dated 16 April 1992.

5. A review of the applicant's service record shows:

a. Having prior service in the U.S. Navy, he enlisted in the Regular Army on 29 October 1970.

b. He served in Saudi Arabia from 22 September 1990 to 22 June 1991.

c. He was honorably retired on 29 February 1991. His DD Form 214 shows he completed 16 years, 2 months, and 29 days of active service with 8 years, 1 month and 9 days of prior active service. It also shows in:

(1) item 12f (Foreign Service): 2 years, 2 months, and 25 days

(2) item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized):

- Bronze Star Medal
- Meritorious Service Medal
- Army Commendation Medal (2nd Award)
- Army Achievement Medal (3rd Award)
- Army Good Conduct Medal (8th Award)
- National Defense Service Medal (2nd Award)
- Southwest Asia Service Medal with two bronze service stars
- Noncommissioned Officer Professional Development Ribbon with Numeral 4
- Army Service Ribbon
- Overseas Service Ribbon with Numeral 2

(3) item 18 (Remarks): no entry for a named operation or campaign.

6. On 5 July 2023, a representative with the Defense Finance and Accounting Service (DFAS) provided a verification showing the applicant served from 1 January 1991 through 30 June 1991 in Desert Shield/Desert Storm.

7. The Defense Manpower Data Center (DMDC) compiled the Desert Shield/Storm Data Base. The primary Desert Shield/Storm file contains one record for each active duty member who participated in-theater between 2 August 1990 and 31 July 1991 and one record for each Reservist, National Guard member, or retiree who was activated or federalized in response to Desert Shield/Desert Storm. For Reservists and Guard members, the file includes those persons activated or federalized from 2 August 1990

through 31 December 1991. This file shows the applicant served in Southwest Asia from 22 September 1990 to 22 June 1991, a period of 9 months and 1 day.

8. By regulation the remarks section of the DD Form 214 is used to document the remarks that were pertinent to the proper accounting of the separating Soldier's period of service. For active duty Soldiers who deployed with their unit during their continuous period of active service, the statement "SERVICE IN (name of country deployed) FROM (inclusive dates, YYYYMMDD-YYYYMMDD)" would be included in item 18 when the DD Form 214 was prepared.

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 review based on law, policy, and regulation. The evidence of record shows the applicant received one Army Commendation Medal, therefore his request to remove one Army Commendation Medal is supported and the Board granted relief.
2. Upon review of the applicant's petition and available military records, the Board determined his record is void of documentation to support he served a qualifying period for award of the Army Sea Ribbon and therefore the Board denied relief.
3. Prior to closing the discussion, the Board noted and concurred with the administrative note below.

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 partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by removing one Army Commendation Medal from the applicant's DD Form 214.

2. The Board further determined that 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 the Army Sea Ribbon.

4/2/2025

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 administrative entries were omitted and he is authorized additional awards not annotated on his DD Form 214, for the service period ending 6 April 2007. As a result, correct his DD Form 214 by adding the following:

- Block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) – Legion of Merit and Kuwait Liberation Medal

- Block 18 (Remarks) – “Service in Saudi Arabia/Desert Shield from 19900922 – 19910622”

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 (AR) 600-8-22 (Military Awards) states:

a. The Legion of Merit is awarded to individuals who distinguish themselves by exceptionally meritorious conduct in the performance of outstanding services and achievements. The performance must merit recognition of key individuals for service rendered in a clearly exceptional manner. Performance of duties normal to the grade, branch, specialty, or assignment and experience of an individual is not an adequate basis for this award. In peacetime, service should be in the nature of a special requirement or an extremely difficult duty performed in an unprecedented and clearly exceptional manner. However, justification may accrue by virtue of exceptionally meritorious service in a succession of important positions. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

b. The Southwest Asia Service Medal is awarded to members of the Armed Forces of the United States serving in Southwest Asia and contiguous waters or airspace there over, on or after 2 August 1990 to 30 November 1995. A bronze service star is authorized for wear with this medal for participation in each credited campaign. Approved designated campaigns are:

- Defense of Saudi Arabia (2 August 1990 to 16 January 1991)
- Liberation and Defense of Kuwait (17 January to 11 April 1991)
- Cease-Fire Campaign (12 April 1991 to 30 November 1995)

c. The Kuwait Liberation Medal awarded by the Kingdom of Saudi Arabia (KLM-SA) was approved on 3 January 1992 and is awarded to members of the Armed Forces of the United States who participated in the Persian Gulf War between 17 January 1991 and 28 February 1991.

d. The Kuwait Liberation Medal awarded by the Government of Kuwait (KLM-K) was approved on 9 November 1995 and is awarded to members of the Armed Forces of the United States who participated in the Persian Gulf War between 2 August 1990 and 31 August 1993.

e. The Army Sea Duty Ribbon (ASDR) is awarded to Soldiers of the Regular Army, the Army National Guard and the U.S. Army Reserve for completion of designated periods of sea duty aboard Class A and Class B U.S. Army Vessels, as defined in AR 56–9. The ASDR is also authorized to be awarded for duty aboard other qualifying vessels when the vessels meet the requirements of AR 600–88, other qualifying vessels. All Servicemembers regardless of component, must complete 2 years (defined as 720 days) of qualified sea duty on a Class A or B U.S. Army Vessel or duty aboard other qualifying vessels when such vessels meet the requirements of AR 600–88, to be awarded the ASDR. Subsequent awards are authorized upon completion of each additional 2 years of qualified sea duty up to 20 years of sea duty, as outlined in table 5–2. (2) Combat zone circumstances. For first award only, any Servicemember serving on qualifying vessels in a combat zone for a minimum of 30 consecutive days is qualified for the ASDR.

3. AR 635-5 (Separation Documents), in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It stated for:

a. Item 12f (Foreign Service), document the total amount of foreign service completed during the period covered by the DD Form 214.

b. Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized), document the decorations, medals, badges, citations and campaign ribbons awarded or authorized.

c. Item 18 (Remarks), document the remarks that were pertinent to the proper accounting of the separating Soldier's period of service. For active duty Soldiers who deployed with their unit during their continuous period of active service, the statement "SERVICE IN (name of country deployed) FROM (inclusive dates, YYYYMMDD-YYYYMMDD)" would be included in item 18 when the DD Form 214 was prepared.

//NOTHING FOLLOWS//