

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 November 2024

DOCKET NUMBER: AR20240004441

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active) for the period ending 3 February 1996 to show:

- award of the –
 - Southwest Asia Service Medal
 - Kuwait Liberation Medal (unspecified)
 - Overseas Service Ribbon
 - Combat Action Badge
- deployed service (imminent danger pay area)

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- DD Form 214
- Independent Expert Medical Analysis on Mental Health Disability, 3 September 2019
- Congressional Privacy Act Release Form, 6 March 2024
- Congressional Correspondence Email, 13-14 June 2024

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 the awards were omitted from his DD Form 214 when he separated from active duty.
3. He enlisted in the Regular Army on 3 February 1992.

4. His DA Form 2-1 (Personnel Qualification Record – Part II) shows in:

- a. item 5 (Oversea Service), no overseas service tour credit;
- b. item 9 (Awards, Decorations, and Campaigns), he was awarded or authorized the:
 - Army Service Ribbon
 - National Defense Service Medal
 - Army Achievement Medal
 - Driver and Mechanic Badge with Driver-T Bar
 - Army Good Conduct Medal
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
 - Marksmanship Qualification Badge with Grenade Bar (rating illegible)
- c. item 27 (Remarks), no entry for deployed service; and
- d. item 35 (Record of Assignments), no overseas assignments.

5. He was honorably released from active duty on 3 February 1996 and transferred to the U.S. Army Reserve Control Group (Reinforcement). His DD Form 214 shows in:

- item 12f (Foreign Service) – none
- item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) –
 - Army Lapel Button
 - Army Achievement Medal
 - Army Good Conduct Medal
 - National Defense Service Medal
 - Army Service Ribbon
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar
 - Driver and Mechanic Badge with Driver-T Bar
- item 18 (Remarks) – no deployed service

6. The Gulf War/Operations Desert Shield/Desert Storm Data Base Roster, compiled by the Defense Manpower Data Center, shows the applicant served in Southwest Asia from 1 September 1995 to 31 October 1995 (in whole months), a period of 2 months.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board found that relief was not warranted.

2. The Board carefully considered the applicant's request, his record of service to include the dates of his deployment, the awards on his DD Form 214 and the regulatory guidance applicable to his request for additional awards. The Board found that, due to the dates of his deployment, he was not eligible to be awarded a CAB or the Kuwait Liberation Medal. The Board did not find evidence to show he completed an overseas tour and is therefore not eligible for an overseas service ribbon in accordance with Army Regulation 614-30. Based on a preponderance of evidence, the Board determined that, except for the corrections stated in the Administrative Notes below, the absence of the requested awards on his DD Form 214 was not in error or unjust.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
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:	:	:	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, except for the corrections stated in the Administrative Notes that follow, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.



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): The applicant is authorized administrative correction of his DD Form 214 to show the following entries without Board action:

- item 12f – 2 months
- item 13 – Southwest Asia Service Medal with one bronze service star
- item 18 – "SERVICE IN SOUTHWEST ASIA FROM 19950901-19951031"

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 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The Southwest Asia Service Medal was established on 12 March 1991 and was 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 with the Southwest Asia Service Medal for participation in each credited campaign. Qualifying campaigns include:

- Defense of Saudi Arabia – 2 August 1990-16 January 1991
- Liberation and Defense of Kuwait – 17 January 1991-11 April 1991
- Southwest Asia Cease-Fire – 12 April 1991-30 November 1995

b. The Kuwait Liberation Medal awarded by the Government of Saudi Arabia 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.

c. The Kuwait Liberation Medal awarded by the Government of Kuwait 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.

d. The Overseas Service Ribbon was established on 10 April 1981 and is awarded to all members of the Active Army, Army National Guard, and U.S. Army Reserve in an active Reserve status for successful completion of overseas tours. Soldiers must be credited with successful completion of an overseas tour in accordance with Army Regulation 614-30 (Overseas Service).

e. The Combat Action Badge was established on 2 May 2005 and recognizes the greatly expanded role of non-infantry Soldiers in active ground combat. Retroactive awards of the Combat Action Badge are not authorized prior to 18 September 2001.

3. Army Regulation 614-30 (Overseas Service), in effect at the time, provided policy and guidance on the eligibility and selection criteria for overseas service in a permanent change of station status under routine conditions as well as contingency operations and deployments. Table B-1 shows tour lengths for Kuwait and Saudi Arabia as 12 months without dependents.

4. Department of Defense Financial Management Regulations, chapter 10, governs payment of hostile fire pay/imminent danger pay. Prior to 31 December 2011, members eligible for imminent danger pay were paid the full monthly rate for any complete or partial month they served in a qualifying area. The 2012 National Defense Authorization Act modified imminent danger payments, limiting eligibility to only the actual days served in a qualifying area. Now service members will receive a prorated amount for each day they are on official duty in an imminent danger pay area up to the maximum monthly rate. The monthly rate is paid to members who serve an entire calendar month in an imminent danger pay area, regardless of the number of individual days in that month.

5. Army Regulation 635-5 (Separation Documents), in effect at the time, prescribed the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active-duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214. The detailed instructions for preparing the DD Form 214 stated for:

a. item 12f, will show the total amount of foreign service performed during the period covered by item 12c (Net Active Service This Period);

b. item 13, entries will be for all periods of service. Check Soldiers' service records for validity of awards. Do not abbreviate when listing the entries; and

c. item 18, for Regular Army Soldiers who deployed with their unit during their continuous period of active service, enter the statement "SERVICE IN (name of country deployed) FROM (inclusive dates for example, YYYYMMDD-YYYYMMDD)."

//NOTHING FOLLOWS//