

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 December 2024

DOCKET NUMBER: AR20240005512

APPLICANT REQUESTS:

- in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his foreign service in Saudi Arabia/Southwest Asia and Germany
- all awards associated with this service be added to his DD Form 214

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

- DD Form 149 (Application for Correction of Military Record)
- Armed Forces Expeditionary Medal Certificate, 8 January 1998
- DD Form 214

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 contracted kidney cancer and had to have his left kidney removed. He needs evidence he served in Saudi Arabia placed on his DD Form 214 to support his Department of Veterans Affairs claim for this disease or any future diseases or conditions which may be associated with his service.
3. The applicant enlisted in the Regular Army on 28 December 1994. He served in military occupational specialty 11B (Infantryman).
4. On 25 April 1999, he was honorably released from active duty upon completion of his required active duty. The DD Form 214 he was issued does not list any foreign service. The form further shows he was awarded or authorized the:
 - Army Lapel Button
 - Army Achievement Medal

- Army Good Conduct Medal
- National Defense Service Medal
- Army Service Ribbon
- Expert Marksmanship Qualification Badge with Rifle Bar
- Expert Infantryman Badge
- Parachutist Badge
- Bronze German Army Marksmanship Badge
- Bronze German Armed Forces Proficiency Badge

5. There is currently no evidence in his available military records which shows he served in Germany.

6. The applicant provides an Armed Forces Expeditionary Medal certificate awarded to him for service in Southwest Asia from 17 December 1997 to 1 March 1998 (a period of 2 months and 13 days), by the Commander, Headquarters, U.S. Army Central – Saudi Arabia, 8 January 1998.

7. During the processing of this case, the Defense Finance and Accounting Service (DFAS) reviewed his Master Military Pay Account:

a. The review shows he performed foreign duty and received hostile fire pay/imminent danger pay for service in Saudi Arabia from 1 December 1997 to 28 February 1998 (a period of 3 months).

b. DFAS further noted he served in Kuwait from 1 March to 30 April 1998 (a period of 2 months).

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.

8. AR 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:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Foreign Service/Deployments: Grant. The applicant provides an Armed Forces Expeditionary Medal certificate awarded to him for service in Southwest Asia from 17 December 1997 to 1 March 1998 (a period of 2 months and 13 days), by the Commander, Headquarters, U.S. Army Central – Saudi Arabia, 8 January 1998. DFAS also verified that the applicant performed foreign duty and received hostile fire pay/imminent danger pay for service in Saudi Arabia from 1 December 1997 to 28 February 1998 (a period of 3 months) as well as Kuwait from 1 March to 30 April 1998 (a period of 2 months). Therefore, the Board determined his DD Form 14 should be corrected to show his foreign service and deployments.

b. Foreign Service in Germany: Deny. Although his DD Form 214 shows he was awarded the Bronze German Armed Forces Proficiency Badge, there is no evidence in the service record and the applicant provides none to show he served or was stationed in Germany.

c. Armed Forces Expeditionary Medal: Grant. The applicant provides an Armed Forces Expeditionary Medal certificate awarded for service in Southwest Asia from 17 December 1997 to 1 March 1998 (2 months and 13 days), by the Commander, Headquarters, U.S. Army Central – Saudi Arabia, 8 January 1998. Therefore, the Board determined his DD Form 214 should be corrected to show this award.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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| : | : | : | 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:

- add to block 12f, 0000 05 00
- add to block 13 Armed Forces Expeditionary Medal
- add to block 18, "Service in Saudi Arabia FROM 19971201-19980228" and "Service in Kuwait FROM 19980301-19980430"

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 service in Germany.

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 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. The Armed Forces Expeditionary Medal is authorized for participants in military operations within a specific geographic area during a specified time period. An individual who was not engaged in actual combat or equally-hazardous activity must have been a bona fide member of a unit participating in or be engaged in the direct support of the operation for 30 consecutive or 60 nonconsecutive days, provided this support involved entering the area of operations. Qualifying service for Southwest Asia operations includes participation in Operation Southern Watch (1 December 1995 to 18 March 2003), Maritime Intercept Operation (1 December 1995 to 18 March 2003), Vigilant Sentinel (1 December 1995 to 15 February 1997), Operation Northern Watch (1 January 1997 to 18 March 2003), Operation Desert Thunder (11 November 1998 to 22 December 1998), Operation Desert Fox (16 December 1998 to 22 December 1998), and Operation Desert Spring (31 December 1998 to 18 March 2003). The Armed Forces Expeditionary Medal will be awarded only for operations for which no other U.S. campaign medal is approved.

3. 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 enter the total amount of foreign service completed during the period covered by the DD Form 214
- block 18 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)"

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//