

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 December 2024

DOCKET NUMBER: AR20240005617

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his foreign service and associated awards related to his deployment to the Persian Gulf. Specifically, award of the:

- Kuwait Liberation Medal – Government of Kuwait
- Southwest Asia Service Medal with three bronze service stars
- Armed Forces Expeditionary Medal

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

- DD Form 149 (Application for Correction of Military Record)
- Joint Uniform Military Pay System (JUMPS) Leave and Earnings Statements (LES), from April – June 1993 and from July - December 1994
- Seven pages of excerpts Army Regulation 600-8-22 (Military Awards), 5 March 2019

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 should received the Southwest Asia Service Medal with three bronze service stars for service in Operations Provide Comfort (1993), Southern Watch (1994), and Vigilant Warrior (1994). He further claims he should receive the Armed Forces Expeditionary Medal for service in Kuwait for Operation Southern Watch/Desert Thunder (1998). The applicant does not specify what correction to his foreign service time is required.
3. The Board will not consider the applicant's request for the Kuwait Liberation Medal – Government of Kuwait; this portion of the applicant's request will be addressed through an administrative correction without action by the Board.

4. The applicant enlisted in the Regular Army on 22 September 1992. He served in military occupational specialty 12B (Combat Engineer).

5. On 18 June 1999, he was honorably discharged due to disability, with severance pay after his completion of 6 years, 8 months, and 27 days of active service. His DD Form 214 shows in:

a. Block 12f (Foreign Service) 3 months and 7 days

b. Block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) shows he was awarded or authorized the:

- Army Achievement Medal (2nd Award)
- Army Superior Unit Award
- Army Good Conduct Medal (2nd Award)
- National Defense Service Medal
- Southwest Asia Service Medal with 1 bronze service star
- Noncommissioned Officer Professional Development Ribbon
- Army Service Ribbon
- Army Lapel Button
- Expert Marksmanship Qualification Badge with Grenade Bar
- Marksman Marksmanship Qualification Badge with Rifle Bar
- Driver and Mechanic Badge

c. Block 18 (Remarks) does not include an entry pertaining to foreign service.

6. The applicant provides:

a. JUMPS LES from April 1993 to June 1993 highlighting hazardous duty and imminent danger pay transactions.

b. JUMPS LES from July 1994 to December 1994 highlighting hazardous duty and imminent danger pay transactions.

c. JUMPS LES from March 1998 to July 1998 highlighting hazardous duty and imminent danger pay transactions.

d. Extracts from Army Regulation 600-8-22 pertaining to the Kuwait Liberation Medal – Government of Kuwait and the Armed Forces Expeditionary Medal. With regard to the Armed Forces Expeditionary Medal, he highlights Exercises Intrinsic Action and Iris Gold, and Operations Southern and Northern Watch in Kuwait.

7. The Defense Manpower Data Center 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. The Desert Shield/Storm Data Base shows the applicant served in Southwest Asia during the periods:

- 1 April to 31 May 1993 (a period of 2 months)
- 1 July to 31 August 1994 (a period of 2 months)

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

a. The MMPA shows he performed foreign duty and received hostile fire pay/imminent danger pay for service in Kuwait from 14 April to 23 May 1993 (a period of 1 month and 10 days) and 1 April to 23 August 1994 (a period of 4 months and 23 days).

b. DFAS further noted he served in Kuwait from 21 February to 23 June 1998 (a period of 4 months and 3 days).

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.

9. 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, 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 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.

a. Armed Forces Expeditionary Medal. Grant. The Board found the evidence supports a conclusion the applicant served during Southern Watch and meets the criteria for award of the Armed Forces Expeditionary Medal.

b. Southwest Asia Service Medal with three bronze service stars. Deny. The Board concluded the applicant did not meet criteria for additional bronze service stars due to service during one campaign.

c. Foreign Service Credit. Grant. The Board determined additional remarks should be added to the applicant's DD Form 214 to reflect his service overseas as such:

- Service in SWA: 1 April 1993 to 31 May 1993
- Service in SWA: 1 July 1994 to 31 August 1994
- Service in Kuwait: 21 February 1998 to 23 June 1998

2. Prior to closing the discussion, the Board noted and concurred with the administrative note below.

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 partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- awarding him the Armed Forces Expeditionary Medal
- adding to his DD Form 214, for the period ending 18 June 1999:
 - Armed Forces Expeditionary Medal
 - Service in SWA: 1 April 1993 to 31 May 1993
 - Service in SWA: 1 July 1994 to 31 August 1994
 - Service in Kuwait: 21 February 1998 to 23 June 1998

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 any additional amendments of his DD Form 214 in excess of the above.



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): make the following administrative correction to the applicant's DD Form 214 for the period ending on 18 June 1999 without action by the Board by adding the Kuwait Liberation Medal – Kuwait.

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) states:

a. The Southwest Asia Service Medal is awarded to members of the Armed Forces of the United States who participated in Operations Desert Shield/Desert Storm in the designated area 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)
- Southwest Asia Cease-Fire (12 April 1991 to 30 November 1995)

b. The Kuwait Liberation Medal – Kuwait 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.

c. 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, to include entering foreign service and remarks pertaining to deployment locations and through dates. This regulation requires the following entries:

a. In block 12f enter the total amount of service performed outside the Continental United States (OCONUS) during the period covered by the DD Form 214, to include deployments. List periods of deployed service in block 18.

b. In block 18 (Remarks), for an active duty Soldier, list any/all OCONUS deployments completed during the period of the DD Form 214 being created, the statement "Service in (Name of Country Deployed) From (inclusive dates)."

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//