

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 February 2025

DOCKET NUMBER: AR20240005823

APPLICANT REQUESTS: reconsideration of his prior request to amend his DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect two deployments to Kuwait in lieu of one.

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

- DD Form 149 (Application for Correction of Military Record)
- self-authored statement
- Joint Task Force-Kuwait Certificate, 20 December 1992
- Joint Task Force -Kuwait Certificate, 1 March 1993
- DD Form 214 covering the period ending 5 July 1995
- DD Form 215 (Correction to DD Form 214), 31 January 2017
- 1st Cavalry Division History – Desert Peacekeepers, 1992 -2000
- Department of Veterans Affairs (VA) Form 21-4138 (Statement in Support of Claim), 20 January 2024

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20150017515 on 10 January 2017.

2. The applicant states:

a. He would like to have each of his deployments shown on his military service record. He had two different deployments, not just one. He was first sent to Kuwait as part of Headquarters and Headquarters Company (HHC) 3rd Battalion, 41st Infantry Regiment (3-31 INF), 1st Cavalry Division from October 1992 to December 1992. Their unit re-flagged and he was sent back to Kuwait as part of HHC 1st Battalion, 9th Cavalry Regiment (1-9 CAV) from January 1993 to March 1993.

b. The error was not discovered until he met with a Veteran Service Officer (VSO) at his local Veterans of Foreign Wars (VFW), who pointed out to him that although he served back to back deployments, which had him in Kuwait from 1 October 1992

through 1 March 1993, he was actually deployed to Kuwait twice, once in October 1992, returning in December 1992, and then he was deployed again from January 1993 to March 1993.

c. He was part of both Intrinsic Action 93-1 and Iris Gold (see attached certificates). These were back to back deployments from Fort Hood, TX, first with the HHC, 3-41 INF, which was redesignated as HHC, 1-9 CAV. He was awarded Guardian of Freedom Certificates on 20 December 1992 and 1 March 1993.

d. He was a cook (94B) and the first time he was in Kuwait, his immediate supervisor was Staff Sergeant (SSG) Harper and the other three cooks were Specialist (SPC) F____ and SPC M____. Notably, SPC F____ was seriously injured not long after they arrived and had to be sent to Germany for treatment. During the second deployment, his immediate supervisor was Sergeant First Class (SFC) R____ and the other cooks were SPC A____, SPC M____, and SPC W____. SPC W____ is a person he has kept in contact with over the years (see attached statement).

e. He is seeking to have this correction made as he is presently seeking healthcare to contend with service-connected physical and mental health issues caused and/or aggravated by his time in the Army. In reviewing his service records with his VSO, he strongly encouraged him to request this correction as some of his symptoms appear to be related to these deployments. He has marked the box on his application indicting that post-traumatic stress disorder (PTSD) is related to his request.

3. The applicant enlisted in the Regular Army on 6 August 1991 and was awarded the Military Occupational Specialty (MOS) 94B (Food Service Specialist).

4. The applicant's DA Form 2-1 (Personnel Qualification Record – Part II) shows:

a. Item 5 (Oversea Service) is blank.

b. Item 35 (Record of Assignments) shows:

- he was assigned to HHC, 3-41 INF, Fort Hood, TX effective 11 November 1991
- he was assigned to HHC, 1-9 CAV (redesignated) effective 16 December 1992

5. The applicant's Leave and Earning Statement (LEs) show:

a. His LES History shows he started Hostile Fire Pay (HFP) and field duty on 1 October 1992.

b. His LES covering the period from 1-30 November 1992 shows his entitlement to Hazard Duty Pay (HDP) and Imminent Danger Pay (IDP) during this pay period.

c. His LES covering the period from 1-31 December 1992 shows his entitlement to HDP and IDP during this pay period.

6. A Joint Task Force-Kuwait Certificate, 20 December 1992, shows the applicant demonstrated resolve and determination as a sentinel of the peace in the freed country of Kuwait and was appointed a Guardian of Freedom.

7. Headquarters, 1st Cavalry Division Permanent Orders 3-1, 13 January 1993, provided for the temporary change of station for all personnel on the attached manifest, with assignment to U.S. Central Command with duty in Kuwait, effective on a classified date, with attachment to 1-9 CAV Battle Task Force for rations, quarters, administrative, and Uniform Code of Military Justice (UCMJ) action. The applicant's name is listed on the attached manifest.

8. The applicant's LESs History Remarks further show:

a. He was charged leave from 22 December 1992 through 2 January 1993.

b. He stopped field duty and started HFP/Combat Zone on 1 January 1993.

c. He started field duty and foreign duty on 15 January 1993.

9. The applicant's LESs covering the period 1 -31 January 1993, shows no IDP entitlement and a deduction for HDP.

10. The applicant's LES covering the period 1-28 February 1993, show his entitlement to HDP and IDP during these pay periods and also shows Federal Income Tax Withholding was refunded (Combat Zone).

11. A Certificate of Achievement, 25 February 1993, was awarded to the applicant for outstanding duty performance during Intrinsic Action 93-1, as a member of Task Force 3-41 INF, from 20 October – 20 December 1992.

12. A Certificate of Appreciation, 25 February 1993, was awarded to the applicant for outstanding support of Task Force 1-9 CAV during Operation Iris God, from January – February 1993.

13. The applicant's LES History Remarks show he stopped field duty and foreign duty on 2 March 1992.

14. The applicant's LES IDP and IDP covering the period 1-31 March 1993, shows his entitlement to IDP and a very minimal amount of HDP.

15. A Joint Task Force-Kuwait Certificate, 1 March 1993, shows the applicant demonstrated resolve and determination as a sentinel of the peace during Operation Southern Watch in the freed country of Kuwait and was appointed a Guardian of Freedom.

16. The applicant's DD Form 214 shows:

a. He was honorably released from active duty on 5 July 1995, due to reduction in force, and transferred to the U.S. Army Reserve (USAR).

b. He was credited with 3 years and 11 months of net active service and 0 foreign service.

c. Item 18 (Remarks) does not reflect his deployments to Kuwait.

17. A review of the Operations Desert Shield/Storm Database compiled by the Defense Manpower Data Center (DMDC) shows the applicant deployed to the Gulf Region between 1 October 1992 and 31 March 1993, assigned to the Unit Identification Code (UIC) WEZKTO (HHC 1-(CAV).

18. The applicant previously applied to the ABCMR requesting correction of his DD Form 214 to reflect his two deployments to Kuwait. On 10 January 2017, the Board determined the evidence presented was sufficient to warrant a recommendation for relief and recommended amending his DD Form 214 to show:

- in item 12f (Foreign Service) to delete zero entry and add 5 months and 1 day
- in item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) to add award of the Southwest Asia Service Medal with one bronze service star and a Kuwait Liberation Medal-Government of Kuwait
- in item 18 (Remarks) add the statement "SERVICE IN Kuwait 19921001-19930301

18. The applicant was issued a DD Form 215 on 31 January 2017, reflecting the above-referenced amendments to his DD Form 214.

19. The applicant provided a copy of 1st Cavalry Division History – Desert Peacekeepers, 1992 -2000, which has been provided in full to the Board for review.

20. A VA Form 21-4138, signed by R____ W____, 20 January 2024, shows he and the applicant were both assigned to HHC 1-9 CAV at the same time. He indicates the

applicant's first deployment to Kuwait in support of Operation Intrinsic Action 92-03 began in October 1992 and he returned in mid- December 1992. The applicant again deployed to Kuwait In January 1993 in support of Operation Iris Gold 93-01, and he came back from each deployment a changed man.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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. Upon review of the applicant's record and available evidence, the Board concluded there was insufficient evidence to support amending the applicant's DD Form 214 to reflect two deployments. The Board noted the applicant's contention that he deployed to Kuwait on two separate occasions: first from October to December 1992 with HHC, 3-41 INF, and again from January to March 1993 with HHC, 1-9 CAV. However, the available documentation, including his Leave and Earnings Statements (LESSs), does not reflect a break in deployment status that would substantiate two separate tours. Instead, the records indicate a continuous period of overseas duty from 1 October 1992 through early March 1993. The Board concluded his record accurately reflects his foreign service credit.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XX	:XX	:XX	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for amendment of the ABCMR decision rendered in Docket Number AR20150017515 on 10 January 2017.


X //SIGNED//

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. On 25 August 2017, the Office of the Undersecretary of Defense for Personnel and Readiness issued clarifying guidance for the Secretary of Defense Directive to Discharge Review Boards (DRBs) and Boards for Correction of Military/Naval Records (BCM/NRs) when considering requests by veterans for modification of their discharges due in whole or in part to: mental health conditions, including post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), sexual assault, or sexual harassment. Boards are to give liberal consideration to veterans petitioning for discharge relief when the application for relief is based, in whole or in part, on those conditions or experiences.
2. Army Regulation 635-8 (Separation Processing and Documents) prescribes policy and procedural guidance relating to transition management, to include the preparation of the DD Form 214 (Certificate of Release or Discharge from Active Duty). The specific instructions for preparation of the DD Form 214 show:
 - a. In item 12f (Foreign Service) enter the total amount of service performed outside the continental United States (OCONUS) during the period covered by the DD Form 214. IN addition, list periods of deployed service in item 18 (Remarks).
 - b. In item 18 (Remarks) use this block for Headquarters, Department of the Army mandatory requirements when a separate block is not available. For active duty Soldiers deployed with their unit during their continuous period of active service enter "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates)."
3. Department of Defense (DOD) 7000.14.R (Financial Management Regulation, Volume 71) provides statutory and regulatory guidance pertaining to military pay and allowances.
 - a. Chapter 10 provides for special pay, duty subject to hostile fire or imminent danger and establishes the DOD policy for payment of Hostile Fire Pay (HFP) and Imminent Danger Pay (IDP).
 - b. Paragraph 2 provides the specific entitlement provisions of HFP and IDP, one of which includes performing duty in a hostile fire area and/or designated foreign area.
 - c. Paragraph 4 provides special situations in which a service member may continue to receive HFP and or IDP although not performing duty in a hostile fire area and/or in a designated foreign area. Paragraph 4.2 (Hospitalization) states a member entitled to HFP and/or IDP who in the line of duty incurs a wound, injury, or illness while serving in a combat operation or a combat zone; while serving in a hostile fire area, or while exposed to a hostile fire event (regardless of location), and who is hospitalized for the

treatment of such a wound, injury, or illness, may continue to receive HFP and/or IDP. Members may be paid HFP and/or IDP for up to 12 months from the date of hospitalization under the Pay and Allowances Continuation Program.

//NOTHING FOLLOWS//