

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 February 2025

DOCKET NUMBER: AR20240005927

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect in items 12f (Foreign Service), and 18 (Remarks) his service in Korea, Iraq, and Kuwait

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

- DD Form 149 (Application for Correction of Military Record)
- Enlisted Record Brief (ERB)
- Memorandum issued by the Department of Veteran Affairs (VA) subject: Toxic Exposure, dated 3 December 2022
- Memorandum issued by the VA subject: Persian Gulf Veteran, dated 27 January 2023

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 provides two memorandums issued by the VA, which are available in their entirety for the Board's review. These documents provide information from a DoD deployment, and military pay records, and show in pertinent part:

a. DoD deployment records show he served in:

- Iraq from 3 November 2006 through 15 November 2006
- Kuwait from 24 May 2007 through 11 June 2007
- Iraq from 12 June 2007 through 13 June 2007
- Kuwait from 14 June 2007 through 13 December 2007

b. DoD military pay records show the applicant received fire pay, imminent danger pay, and/or hazardous duty pay for service in Kuwait from November 2006 through December 2007.

c. DoD medals and awards records show he was awarded the Iraq Campaign Medal on 2 January 2007.

3. The applicant's service record shows the following:

a. The applicant served on active duty from 30 October 2003 to 29 December 2008. His DD Form 214 does not reflect his foreign service, it does however, show he was awarded the following awards:

- Army Achievement Medal
- Global War on Terrorism Service Medal
- Korean Defense Service Medal
- Army Good Conduct Medal
- Army Service Ribbon
- Overseas Service Ribbon

b. His ERB reflects the following in:

- Section I (Overseas/Deployment Combat Duty): Service in Korea from 1 June 2004 through 10 June 2005
- Section VIII (Awards and Decorations): Army Achievement Medal, National Defense Service Medal, Korean Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon

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 and standard review based on law, policy and regulation. Upon review of the applicant's request and available military records, the Board noted the two memorandums issued by the Department of Veterans Affairs. These memorandums include DoD deployment and military pay records that substantiate the applicant's overseas service. Specifically, DoD deployment records confirm the applicant served in Kuwait from 24 May 2007 through 11 June 2007 and from 14 June 2007 through 13 December 2007.

2. The Board determined in accordance with applicable regulatory guidance, foreign service credit on the DD Form 214 is generally not authorized for deployments of less than 30 consecutive days. The applicant's service in Iraq, while recognized through award of the Iraq Campaign Medal, does not meet the threshold for inclusion in Item 12f due to its duration. However, his extended service in Kuwait from May through

December 2007, met the criteria for foreign service credit. Therefore, based on the totality of the evidence, including official DoD records and VA documentation, the Board found sufficient evidence to grant partial relief for correction of the applicant's DD Form 214 to reflect foreign service in Kuwait.

3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
XXX	XXX	XXX	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the administrative notes annotated by the Analyst of Record (below the signature), 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 amending the applicant's DD Form 214:

- Item 12f (Foreign Service): 1 year 6 months and 29 days
- Item 18 (Remarks) SERVICE IN KUWAIT FROM 24 May 2007 through 11 June 2007 and 14 June 2007 through 13 December 2007

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 foreign service credit for Iraq.

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.

ADMINISTRATIVE NOTE(S):

A review of the applicant's records shows he is authorized foreign service, for his service in Korea, not currently listed on his DD Form 214 for the period ending 29 December 2008. As a result, amend his DD Form 214 by adding to item 12f (Foreign Service): 1 year, 0 months, 10 days.

REFERENCES:

1. Title 10, United States Code (USC) (Armed Forces), 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 15-185 Army Board for Correction of Military Records (ABCMR), currently in effect, prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. 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.

3. Army Regulation 635-5 (Separation Documents), prescribes the separation documents that must be prepared for soldiers on retirement, discharge, release from active-duty service, or control of the Active Army. It establishes standardized policy for preparing and distributing the DD Form 214 (Certificate of Release or Discharge from Active Duty).

a. The DD Form 214 is a summary of a soldier's most recent period of continuous active duty. It provides a brief, clearcut record of active-duty service at the time of release from active duty, retirement, or discharge. The DD Form 214 is not intended to have any legal effect on termination of a soldier's service.

b. From the enlisted record brief (ERB)/officer record brief (ORB), enter the total amount of foreign service completed during the period covered. Soldiers deployed with their unit during their continuous period of active service, enter "service in (name of country deployed) from (inclusive dates)."

4. AR 635-8 (Separation Processing and Documents) provides detailed guidance on how to document foreign service and deployments, particularly in Item 12f (Foreign Service) and Item 18 (Remarks) of the DD Form 214.

a. Foreign Service (Item 12f):

- Foreign service is defined as service performed outside the continental United States (OCONUS).
- Only periods of foreign service of 30 consecutive days or more are typically credited in Item 12f.
- The total amount of foreign service completed during the period covered by the DD Form 214 is entered in years, months, and days.

b. Deployments (Item 18 - Remarks):

- Deployments to designated combat zones or areas of contingency operations are recorded in Item 18.
- The entry should read: "SERVICE IN [Country] FROM [YYYYMMDD]–[YYYYMMDD]".
- Even if a deployment is less than 30 days, it may still be annotated in Item 18 if it was in support of a contingency operation or combat zone.

//NOTHING FOLLOWS//