

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 April 2025

DOCKET NUMBER: AR20240006968

APPLICANT REQUESTS:

- correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty to reflect:
  - his service in Iraq
  - award of the Iraq Campaign Medal (ICM)
  - award of the Global War on Terrorism Expeditionary Medal (GWOTEM)
  - award of the Global War on Terrorism Service Medal (GWOTSM)
  - award of the Combat Action Badge (CAB)
- personal appearance before the Board, via video/telephone

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, service from 10 February 2003 to 10 March 2004
- Veterans Affairs/Department of Defense Identity Repository information report that shows:
  - hostile fire/imminent danger pay period: beginning 1 May 2003, ending 31 January 2004.
  - combat zone tax exclusion period: beginning 1 January 2004, ending 31 January 2004; for Kuwait
- Permanent Orders 38-34 dated 7 February 2003, which orders the applicant's U.S. Army Reserve (USAR) unit to active duty in support of Operation Enduring Freedom (OEF), for a period of 12 months
- Permanent Orders 97-31, dated 7 April 2006, shows he was awarded the CAB for actively engaging or being engaged by the enemy, 14 February 2004 to 5 March 2004

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 served in OEF. His DD Form 214 does not reflect his time overseas, campaigns he served in, nor award of the CAB.

3. On his DD Form 149, the applicant notes post-traumatic stress disorder (PTSD) issues are related to his request.

4. He enlisted in the USAR on 22 August 2001.

5. He entered active duty in support of OEF on 10 February 2003.

6. A Defense Finance and Accounting Service (DFAS), Master Military Pay Account (MMPA) printout shows he began service in Kuwait on 20 April 2003.

7. A DA Form 2173 (Statement of Medical Examination and Duty Status) shows on or about 19 June 2003, the applicant received treatment at a military clinic in Kuwait for a posterior dislocation injury, that occurred on 5 June 2003.

8. An Aeromedical Evacuation Patient Record shows he was medically evacuated from Kuwait for the Continental U.S. Additionally, the DFAS MMPA printout reflects he served in Kuwait until 23 June 2003.

9. The available record is void of a separation packet containing the specific facts and circumstances surrounding his discharge processing. However, Orders 063-0236 dated 3 March 2004, from Headquarters III Corps and Fort Hood, Fort Hood, TX, show he was assigned to the transition point for processing. Additionally:

- he was authored disability severance pay
- percentage of his disability was 10%
- his scheduled date of separation was 10 March 2004
- his disability was based on an injury or disease in line of duty as a direct result of armed conflict or caused by an instrumentality of war
- his disability resulted from a combat related injury

10. The applicant was honorably released from active duty and transferred to his USAR unit on 10 March 2004. His DD Form 214, block 13 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) reflects: Army Lapel Button, National Defense Service Medal, Armed Forces Reserve Medal with Mobilization "M" Device and the Army Service Ribbon.

11. Permanent Orders 97-31, dated 7 April 2006, awarded the applicant the CAB for actively engaging or being engaged by the enemy, from 14 February 2004 to 5 March 2004.

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, 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.

2. The Board found sufficient evidence to show the applicant served in Kuwait from 20 April 2003 to 23 June 2003. This qualifies the applicant for award of the GWOTEM. Additionally, he is also authorized the GWOTSM due to all Soldiers on active duty, including Reserve Component Soldiers mobilized or National Guard Soldiers activated on or after 11 September 2001 to a date to be determined having served 30 consecutive days or 60 non-consecutive days being authorized the GWOTSM.

3. Service in Iraq. Deny. The Board found insufficient evidence to support the applicant served in Iraq based on the DFAS MMPA entry.

4. Award of the ICM. Deny. The Board denied this request based on regulatory guidance, no Soldier will be entitled to both the ICM and GWOTEM for the same act, achievement, or period of service.

5. Award of the CAB. Deny. The Board found that based on the evidence of record, the applicant had been evacuated from Kuwait prior to the stated act for which the CAB was awarded.

6. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:                :                :                GRANT FULL RELIEF

█                █                █                GRANT PARTIAL RELIEF

:                :                :                GRANT FORMAL HEARING

:                :                :                DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. After reviewing the application and all supporting documents, the Board found that partial relief was warranted. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by showing on his DD Form 214 for the period ending 10 March 2004:

- a. Block 12f: 0000 02 05
- b. Block 13: GWOTSM and GWOTEM
- c. Block 18: Service in Kuwait 20030420 – 20030623

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 amendment of the applicant's record to show award of the ICM, service in Iraq, and the CAB. The Board further directs revocation of Permanent Orders 97-31, dated 7 April 2006, showing the applicant was awarded the CAB.

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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 GWOTEM is authorized for award to members of the Armed Forces of the United States who deployed abroad for service in GWOT operations on or after 11 September 2001 to a date to be determined. Area of eligibility includes Kuwait. Paragraph 2-19d(1) states servicemembers qualified for the GWOTEM by reasons of service before 30 April 2005 in Afghanistan and Iraq will remain qualified for the medal. Any such Soldier may be awarded the Afghanistan Campaign Medal or the ICM in lieu of the GWOTEM for such service. No Soldier will be entitled to both medals for the same act, achievement, or period of service.
3. The GWOTSM is authorized for award to members of the Armed Forces of the United States who have participated in the GWOT operations outside of the designated areas of eligibility on or after 11 September 2001 to a future date to be determined. All Soldiers on active duty, including Reserve Component Soldiers mobilized or National Guard Soldiers activated, on or after 11 September 2001 to a date to be determined having served 30 consecutive days or 60 non-consecutive days are authorized the GWOTSM.
4. Army Regulation 635-5 (Separation Documents) prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. The version in effect at the time established standardized policy for preparation of the DD Form 214. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. It states the purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form be complete and accurate, reflective of the conditions as they existed at the time of separation.
  - a. Block 13. Lists awards and decorations for all periods of service in the priority sequence specified in Army Regulation 600-8-22.

b. Block 18f(2). For a Reserve Soldier ordered to active duty and deployed to a foreign country, enter the following three statements in succession.

(1) "ORDERED TO ACTIVE DUTY IN SUPPORT OF (OPERATION NAME)  
PER 10 USC [U.S. Code] (applicable section)."

(2) "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates  
for example, YYYYMMDD – YYYYMMDD)."

(3) "SOLDIER COMPLETED PERIOD FOR WHICH ORDERED TO ACTIVE  
DUTY FOR PURPOSE OF POSTSERVICE BENEFITS AND ENTITLEMENTS."  
//NOTHING FOLLOWS//