

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 January 2025

DOCKET NUMBER: AR20240007137

APPLICANT REQUESTS: foreign service credit for time served in Iraq.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 24 May 1994

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 two tours of duty in Iraq. His first unit of assignment was Alpha Company, 4th Battalion, 7th Infantry and his second unit of assignment was Delta Company, 1st Battalion, 41st Infantry; serving 2 years total.

3. The National Personnel Records Center revealed no service records under the provided social security number for the applicant. However, the applicant has provided his DD Form 214 which provides enough information for the Board to address his request.

a. On 25 May 1990, the applicant enlisted in the Regular Army.

b. He served in Southwest Asia from 26 December 1990 to 1 May 1991.

c. On 24 May 1994, he was honorably released from active duty. His DD Form 214 shows he completed 4 years of active service, including 1 year, 4 months, and 2 days of foreign service. He was awarded or authorized:

- Army Commendation Medal with one oak leaf cluster
- Good Conduct Medal

- National Defense Service Medal
- Army Service Ribbon
- Overseas Service Ribbon
- Combat Infantryman Badge
- Expert Marksmanship Qualification Badge with Hand Grenade Badge
- Marksman Marksmanship Qualification Badge with Rifle Bar
- Army Lapel Button
- Southwest Asia Service Medal with three bronze service stars
- Kuwait Liberation Medal

d. His record is void of evidence or documentation and the applicant did not provide evidence or documentation showing he served in Iraq.

4. The Defense Manpower Data Center (DMDC) 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 and one record for each Reservist, National Guard member, or retiree who was activated or federalized in response to Desert Shield/Desert Storm. For Reservists and Guard members, the file includes those persons activated or federalized from 2 August 1990 through 31 December 1991. This file shows the applicant served in Southwest Asia from 23 December 1990 to 2 May 1991; a period of 4 months and 10 days and from 1 June 1992 to 30 November 1992; a period of 6 months.

BOARD DISCUSSION:

1. 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. The Board noted the applicant's contention of his service in Iraq; however, found his contention to be insufficient to award foreign service credit without verification. Therefore, the Board determined there was no error or injustice to support amending his record.

2. Prior to closing the discussion, the Board noted the Defense Manpower Data Center compiled list for Desert Shield/Desert Storm and the applicant's service in Southwest Asia from 23 December 1990 to 2 May 1991 and from 1 June 1991 to 30 November 1992 and that both periods were not annotated on his DD Form 214. The Board concluded the period of service in Southwest Asia from 1 June 1991 to 30 November 1992 will be added administratively to his DD Form 214.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. 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 correction of the records of the individual concerned.
2. Prior to closing the discussion, the Board noted an administrative correction that will be added to the applicant's DD Form 214. As a result, amend item 18 (Remarks) to show "Service in Southwest Asia from 1 June 1991 to 30 November 1992."

5/5/2025

X

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. 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 635-5 (Separation Documents) prescribes the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It establishes standardized policy for the preparation of the DD Form 214. It states that for an active duty Soldier deployed to a foreign country with his or her unit during their continuous period of active service, the statement "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates for example, YYYYMMDD - YYYYMMDD)" will be entered in item 18 (Remarks).

//NOTHING FOLLOWS//