

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 April 2024

DOCKET NUMBER: AR20230001120

APPLICANT REQUESTS: in effect, correction for his record to show he received one (1) DD Form 214 (Certificate of Release or Discharge from Active Duty) instead of two (2) covering a continuous period of active duty service from 22 July 1980 to 10 November 1987.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 for the period ending 18 October 1980
- Honorable Discharge Certificate, dated 10 May 1984
- DD Form 214 for the period ending 10 November 1987

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 in effect, that he did not have a break in service and his DD Form 214 should show he served from 22 July 1980 to 10 November 1987. It seems that the period of the Simultaneous Membership Program (SMP) is where the missing break in service occurred. He did not know that attempting to obtain his degree while serving in the Tennessee National Guard and the SMP would lead to a break in service. He discovered this when he applied for his social security.

3. The applicant provides:

- DD Form 214 which shows he entered active duty on 22 July 1980 and was separated on 18 October 1980, after completion of Active-Duty Training
- an Honorable Discharge Certificate as a Cadet from the Army National Guard, dated 10 May 1984

- DD Form 214, which shows he entered active duty on 12 June 1986 and was separated on 10 November 1987, after failure of selection for permanent promotion

4. The applicant's service records are not available for review. The only documents available were the documents provided by the applicant as shown below.

a. His DD Form 214 for the period ending 18 October 1980 shows in:

- Item 2 (Department, Component and Branch) as Army/Army National Guard
- Item 12a (Record of Service -Date Entered AD this Period) 22 July 1980
- Item 12b (Record of Service - Separation Date) as 18 October 1980
- Item 12c (Record of Service – Net Active Service this Period) 2 months and 27 days
- Item 12d (Record of Service – Total Prior Active Service) 0 years, 0 months, and 0 days
- Item 23 (Type of Separation) Relief from Active Duty
- Item 28 (Narrative Reason for Separation) Release from Initial Active-Duty Training (IADT) under the Reserve Enlistment Program upon completion of MOS training and minim of 12 weeks Active-Duty Training (ADT)

b. His DD Form 214 for the period ending 11 November 1987 shows in:

- Item 2 (Department, Component and Branch) as Army/United States Army Reserves
- Item 12a (Record of Service -Date Entered AD this Period) 12 June 1986
- Item 12b (Record of Service - Separation Date) as 10 November 1987
- Item 12c (Record of Service – Net Active Service this Period) 1 year, 4 months and 29 days
- Item 12d (Record of Service – Total Prior Active Service)
- Item 12de (Record of Service – Total Prior Inactive Service) 4 years, and 27 days
- Item 23 (Type of Separation) Relief from Active Duty
- Item 28 (Narrative Reason for Separation) Failure of Selection, Permanent Promotion

5. The Army National Guard, Army Reserve, and the U.S. Reserve Officer's Training Corps (ROTC) offer the SMP to qualified full-time college students who become member of the Army Guard and Reserve. SMP is a 2 to 3 year program whereby Cadets serve in the Army National Guard or Army Reserve as an Office in Training; or paid internship; and attend Army ROTC classes simultaneously.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered.
2. The applicant argues, in effect, he did not have a break in service and his record should be corrected to show he received 1 DD Form 214 instead of 2; and that corrected DD Form 214 should show he served from 22 July 1980 to 10 November 1987.
3. The applicant's argument and the evidence or record suggests the applicant may not understand how service is recorded on a DD Form 214 for Reserve component Soldiers.
 - a. Reserve component Soldiers, in pertinent part, receive a DD Form 214 upon completion initial active duty for training that results in the award of a military occupational specialty even when the active duty period was less than 90 days and upon completing 90 days or more of continuous active duty, or Active Guard Reserve service.
 - b. The applicant's first period of active duty service requiring a DD Form 214 was his completion of initial active duty for training resulting in a military occupational specialty. After his release from active duty, he was returned to his National Guard unit and returned to service in an inactive duty status; he remained in that status until his discharge from the Army National Guard on 10 May 1984.
 - c. He was appointed a Reserve commissioned officer, in the rank/grade of second lieutenant (2LT)/O-1 on 11 May 1984. On 12 June 1986, he entered active duty to complete his obligation, and he was subsequently honorably released from active duty and returned to United States Army Reserve Control Group Reinforcement on 12 June 1986 for failing to be selected for a permanent promotion.
 - d. The periods of Reserve service between his periods of active duty are not considered breaks in service, they are considered inactive duty. Further, this information appears to be properly reflected on both DD Forms 214.
4. There is no error or injustice for the Board to correct.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
█	█	█	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 correction of the records of the individual concerned.

█

█ █

 █

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), in effect at the time, prescribed the separation documents which were prepared for individuals upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for preparing and distributing DD Form 214 (Certificate of Release or Discharge from Active Duty) and other separation documents listed in Table 1-1.

a. A DD Form 214 would be prepared from all personnel at the time of their retirement, discharge, or release from the Active Army.

b. A DD Form 214 will be prepared:

(1) for Active Army Soldiers on termination of active duty by reason of administrative separation (including separation by reason of retirement or expiration of term of service), physical disability separation, or punitive discharge under the Uniform Code of Military Justice;

(2) Reserve Component Soldiers completing 90 days or more of continuous ADT, Full-Time National Guard Duty, active duty for special work, temporary tours of active duty, or Active Guard Reserve service. Also, RC Soldiers separated for cause or physical disability regardless of the length of time served on active duty;

(3) Army National Guard (ARNG) and USAR Soldiers mobilized under Title 10, U.S. Code, sections 12301 (a), 12302, or 12304, and ARNG Soldiers called into Federal service under Title 10, U.S. Code, chapter 15, or section 12406, regardless of length of mobilization, when transitioned from active duty. A Soldier who reports to a mobilization station and is found unqualified for active duty will be excluded from this provision. They will only receive a DD Form 220 (Active Duty Report); and

(4) RC Soldiers completing initial ADT that results in the award of an MOS even when the active duty period was less than 90 days. This includes completion of advanced individual training under the ARNG of the United States Alternate Training Program or USAR Split Training Program.

//NOTHING FOLLOWS//