

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 December 2023

DOCKET NUMBER: AR20230002683

APPLICANT REQUESTS: re-calculation of his Army National Guard and Active Duty service.

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

- DD Form 149 (Application for Correction of Military Record)
- Two (2) DD Forms 214 (Certificate of Release or Discharge from Active Duty)
- NGB Form 22 (Report of Separation and Record of Service)
- Leave and Earnings Statements (LES)

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, both Department of Energy Human Resource Office and Defense Finance Accounting Service have rejected his service calculations. The issue likely exists due to computation between Army National Guard and Active Duty service calculations.
3. The applicant provides:
 - a. DD Form 214: Army National Guard, from 3 August 2004 to 24 September 2004, honorable release from active duty and transferred to Indiana Army National Guard, AR 635-200 (Active Duty Enlisted Administrative Separations), chapter 4, completion of required active service. He completed 1 month and 22 days net active service this period; 2 months and 6 days of total prior active service; and, 1 year, 4 months, and 18 days of total prior inactive service.
 - b. DD Form 214: Regular Army, from 9 January 2003 to 26 February 2018, honorable discharge, Army Regulation (AR) 635-40 (Physical Evaluation for Retention, Retirement, or Separation), chapter 4-24, disability, severance pay, noncombat

(enhanced). Served 12 years, 6 months, and 1 day of net active service this period and 2 years, 7 months and 17 days of total prior inactive service. He served in Iraq (15 December 2007 – 31 May 2008) and Afghanistan (30 August 2012 – 26 May 2013).

c. NGB Form 22, Army National Guard of Indiana and as a Reserve of the Army, from 8 January 2003 to 10 August 2005, honorable discharge, NGR 600-200, chapter 8-26a(2), Enlistment, Reenlistment Immediate Reenlistment in any other Component of the Armed Forces. He served 2 years, 7 months and 2 days of net service this period.

d. 351 Leave and Earnings Statements.

4. A review of the applicant's service record shows:

a. The applicant enlisted in the Army National Guard on 9 January 2003 for five (5) years.

b. He entered active duty for training from 3 August 2004 to 24 September 2004, completing 1 month and 22 days of active service.

c. On 10 August 2005, he was honorably discharged from the ARNG under the provisions of NGR 600-200, chapter 8-26a(2), in order to enlist/reenlist in any other component of the Armed Forces.

d. On 26 August 2005, the applicant enlisted in the Regular Army for five (5) years. He subsequently reenlisted on 24 December 2007 for an additional six (6) years.

e. DA Form 199 (Informal Physical Evaluation Board (PEB) Proceedings), dated 31 October 2017, reflects the PEB found the applicant physically unfit and recommended a rating of 10% and that his disposition be separation with severance pay. The applicant concurred and waived a formal hearing of his case.

f. The applicant was honorably discharged on 26 February 2014. His DD Form 214 shows he served on active duty from 9 January 2003 to 26 February 2018. He was discharged in accordance with Army Regulation (AR) 635-40 (Physical Evaluation for Retention, Retirement, or Separation), chapter 4-24, disability, severance pay. It shows he completed 12 years, 6 months, and 1 day of net active service this period and 2 years, 7 months and 17 days of total prior inactive service. He served in Iraq (15 December 2007 – 31 May 2008) and Afghanistan (30 August 2012 – 26 May 2013).

5. On 17 October 2023, the U.S. Army Human Resources Command memorandum provided an advisory opinion in the processing of this case. An HRC official stated: "Based on the supporting documents, the applicant's DD Form 214 is correct as issued. We can create a Military Buy Back Memorandum for his Army National Guard time, but

we will need copies of all his Title 10 orders. The applicant can submit a signed SF 180 request (enclosed) along with his orders to the following email address:

[REDACTED]

6. The applicant was provided with a copy of this advisory opinion to give him an opportunity to submit a rebuttal. He did not respond.

7. Army Regulation (AR) 635-5 (Personnel Separations - Separation Documents), prescribes the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It 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.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant contends that there are errors in his service calculation. The U.S. Army Human Resources Command (HRC) advised the applicant that based on the supporting documents, the applicant's DD Form 214 is correct as issued and that HRC can create a Military Buy Back Memorandum for his ARNG time but will need copies of all his Title 10 orders. The applicant can submit a signed SF 180 request along with his orders. There is no evidence the applicant submitted the requested documents to HRC and was denied relief. As such, the Board determined relief is not warranted.

BOARD VOTE:

| <u>Mbr 1</u> | <u>Mbr 2</u> | <u>Mbr 3</u> | |
|--------------|--------------|--------------|----------------------|
| : | : | : | 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.

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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 (AR) 635-5 (Personnel Separations - Separation Documents), prescribes the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It 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.

//NOTHING FOLLOWS//