

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 June 2024

DOCKET NUMBER: AR20230002785

APPLICANT REQUESTS: Reconsideration of her prior denial of entitlement correction of her records to make her eligible for transfer to the Retired Reserve and entitlement to 15-year retirement benefits.

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

- DD Form 293 (Application for the Review of Discharge)
- DD Form 214

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20100021472 on 22 March 2011.
2. The applicant states that she would like consideration for her 15 years of service for retirement with compensation. She served each of her assignment with honor and to the best of her ability. She made every effort to meet the next grade cut-off score by completing correspondence courses, enrolling in Criminal Justice college courses and by performing her daily duties to the highest level. She humbly requests that the Review Board will consider her 15 years of military service with compensation.
3. The applicant has not provided any new documentation in support of her request and only a minimal change to her prior request statement.
4. A review of the applicant's service record shows she enlisted in the Regular Army on 12 August 1971 for 3 years. She completed training and she was awarded military occupational specialty 958 (Military Police).
5. The applicant has immediate reenlistments on 29 May 1974, 30 May 1974, and on 16 February 1979. The highest grade she held was E-5.
6. A Department of the Army (DA) memorandum, dated 10 September 1987 imposed a Bar to Reenlistment under the Qualitative Management Program (OMP). The

memorandum indicated that during a review of her file by a DA Selection Board, the board considered her total performance and future potential for retention in the Army. The contributing factor for her DA imposed bar to reenlistment was five enlisted evaluation reports between November 1983 and November 1986. She was provided options to select; however, her selected option is not contained in the available records.

7. A memorandum to the applicant from the Separations and Appeals Branch, U.S. Total Army Personnel Agency, dated 15 July 1988, states she was provided an opportunity to appeal the bar to reenlistment, but either her appeal was denied or she elected not to appeal.
8. The memorandum further states the Assistant secretary of the Army (Manpower & Reserve Affairs) had directed her separation as a result of budgetary and manpower restrictions within 90 days of her receipt of the memorandum, unless she requested an earlier date.
9. The applicant acknowledged receipt of the memorandum on 6 September 1988 notification informing her of her separation from active duty. On 18 October 1988, she requested an overseas separation with an established date of 6 December 1988.
10. On 18 November 1988, the appropriate authority approved the applicant's request for overseas separation.
11. She was honorably discharged from active duty on 6 December 1988 in pay grade E-5, in accordance with Army Regulation (AR) 635-200 (Personnel Separations) and assigned Separation Code JBK and Reenlistment Code 1A. She completed 17 years, 3 months, and 24 days of creditable active service.
12. At the time of the applicant's separation there was no provision for a 15-year retirement in effect.
13. On 22 March 2011, the Board denied her request to make her eligible for transfer to the Retired Reserve and entitlement to retirement benefits. The Board stated:
 - a. The evidence of record also shows she acknowledged the notification and her established separation date and she requested an overseas separation which was approved on 18 November 1988. She was honorably discharged from active service on 6 December 1988 in pay grade E-5. She was credited with 17 years, 3 months, and 24 days of net active service.
 - b. There is no evidence of record and she did not provide any evidence to show that she was not provided the opportunity to be reassigned to overcome the indicated areas of deficiency or that she was improperly barred from reenlistment and thus was unable

to complete 20 years of active Federal service. There is no evidence to support her contentions. There is also no evidence of error or injustice related to her discharge.

c. In view of the foregoing, she did not complete the required qualifying years of service for retirement and there is no evidence that she had a 20-year connection with the Army. Therefore, she is not entitled to correction of her records to show she is eligible for transfer to the Retired Reserve and entitlement to retirement benefits.

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 evidence shows the applicant served in the Regular Army; she was not in the U.S. Army Reserve or the Army National Guard. A Notification of Eligibility for Retired Pay at Age 60 (15-Year letter) is issued to Reserve Component Soldiers who have completed more than 15 but less than 20 years in the Selected Reserve qualifying service and were separated due to medical disqualification. The applicant does not meet the statutory or regulatory requirements for a 15-Year letter. Therefore, the Board determined relief is not warranted.

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 to amend the decision of the ABCMR set forth in Docket Number AR20100021472 on 22 March 2011.2.

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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. Army Regulation 15-185 (ABCMR) sets forth procedures for processing requests for the correction of military records. Paragraph 2-15a governs requests for reconsideration. This provision of the regulation allows an applicant to request reconsideration of an earlier decision of the ABCMR if the decision has not previously been reconsidered. The applicant must provide new evidence or argument that was not considered at the time of the ABCMR's prior consideration.
2. Title 10, U.S. Code, section 3914, states an enlisted member of the Army who has at least 20, but less than 30, years of service may upon request be retired.
3. The Under Secretary of Defense for Personnel and Readiness issued guidance to DRBs and BCM/NR on 25 July 2018, regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. BCM/NRs may grant clemency regardless of the court-martial forum. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to any other corrections, including changes in a discharge, which may be warranted on equity or relief from injustice grounds.
 - a. This guidance does not mandate relief, but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, Boards shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.
 - b. Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

//NOTHING FOLLOWS//