

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 December 2023

DOCKET NUMBER: AR20230002894

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his entry and separation dates as 11 March 1981 to 20 September 1983 vice 18 July 1983 to 28 September 1983.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, Active Duty for Training, 1983
- DA Form 2-1 (Personnel Qualification Record)
- May 1981 Leave and Earnings Statement
- DD Form 1966/7 (Record of Military Processing)

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 his DD Form 214 entrance and separation dates are incorrect. He asks to correct those dates to show March 11, 1981, to September 20, 1983.
3. Review of the applicant's service records shows:
 - a. He enlisted in the Army National Guard (ARNG) on 11 March 1981, under an Alternate Training Program or Split Training Program.
 - b. He was ordered to 9 weeks of active duty to complete basic combat training, by authority of Orders 54-85, issued by the ARNG.
 - c. He entered active duty from 1 May to 20 June 1981 and completed basic combat training at Fort Dix, NJ. He was released to the control of his State ARNG. On release, he was assigned to Company A, 1st Battalion, 106th Infantry in Jamaica, NY, a unit of the New York ARNG.

d. He was ordered to 7 weeks of active duty for training (ADT) to complete advance individual training/military occupational specialty training by authority of State ARNG Orders 47-179, dated 9 March 1983.

e. He entered ADT on 1 July 1983. He was assigned to Fort Jackson, SC for training. However, he did not complete training as he was found to have failed procurement medical standards as determined by a medical board due to a condition that existed prior to service.

f. He was honorably release from ADT, and discharged as a Reserve of the Army, on 28 September 1983. His DD Form 214 for this period of service shows he completed 2 months and 11 days of active service.

g. Aside from his active duty for training (1 July 1983 to 28 September 1983) there is no evidence the applicant completed any other periods of active service of at least 90 days in duration.

4. By regulation (AR 635-5), the DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. A DD Form 214 will be prepared for each Reserve Component (RC) Soldiers completing 90 days or more of continuous active duty training (ADT). Also, RC Soldiers separated for cause regardless of the length of time served on active duty.

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 entered active duty for training on 18 July 1983 and he was separated from active duty for training on 28 September 1983, due to failing medical procurement standards/preexisting condition. The DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. A DD Form 214 will be prepared for each Reserve Component (RC) Soldiers completing 90 days or more of continuous active duty training (ADT). Also, for RC Soldiers separated for cause regardless of the length of time served on active duty. The applicant's service from 11 March 1981 to 20 September 1983 was not active service; it was ARNG service. Only the period 18 July 1983 to 28 September 1983 was active service. Inactive or ARNG service is recorded on an NGB Form 22. The applicant may contact his State ARNG to request a copy of his NGB Form 22 which would have captured his ARNG service.

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.

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

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 then, and Army Regulation 635-8 (Separation Processing and Documents), currently in effect, establishes the standardized policy for preparing and distributing the DD Form 214. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service. The DD Form 214 is a summary of a Soldier's most recent period of

continuous active duty. It provides a brief, clear-cut record of active duty service at the time of release from active duty, retirement, or discharge, and is not intended to have any legal effect on termination of a Soldier's service. A DD Form 214 will be prepared for each Soldier as indicated:

a. 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;

b. Reserve Component (RC) Soldiers completing 90 days or more of continuous active duty training (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;

c. 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. He or she will only receive a DD Form 220 (Active Duty Report); and

d. 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 U.S. Alternate Training Program or USAR Split Training Program.

//NOTHING FOLLOWS//