

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 10 September 2024

DOCKET NUMBER: AR20230003706

APPLICANT REQUESTS: correction of his total years of service for retired pay

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), 13 July 1990
- DD Form 214 with DD Form 215 (Correction to DD Form 214), 10 July 1991
- Army National Guard (ARNG) Retirement Points Statement, 2 October 1992
- NGB Form 22 (Report of Separation and Record of Service) with NGB Form 22A (Correction to NGB Form 22), 30 March 1994
- DD Form 214, 9 July 1998

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, his years of service were not inputted correctly due to missing documents from the Puerto Rico Army National Guard (PRARNG). His records are missing the NGB Form 22A where the PRARNG corrected his service dates. He is requesting the dates be corrected due to it impacting his length of service for retirement pay at Defense Finance Accounting Service.

3. The applicant provides the following documents:

a. DD Form 214, which is not present in his service record, shows he enlisted in the Regular Army on 16 July 1987 and was honorably discharged on 13 July 1990. He had completed 2 years, 11 months, and 28 days of active duty service.

b. DD Form 214, which is not present in his service record, shows he was ordered to active duty as a member of the ARNG on 21 November 1990 and was honorably

released to his ARNG unit on 10 July 1991. He had completed 7 months, and 20 days of active duty service. The DD Form 214 was corrected to include previous active duty service of 2 years, 11 months, and 28 days.

c. ARNG Retirement points Statement, which is not present in his service record, 2 October 1992, shows he was in the ARNG from 14 July 1990 through 13 July 1992. He had 2 years creditable service for retirement pay.

d. NGB Form 22, shows he enlisted in the ARNG on 14 July 1990 (corrected by NGB Form 22A) and was honorably discharged on 30 Mar 1994, he completed 2 years, 8 months and 15 days of ARNG service with 3 years, 8 months, and 17 days (corrected by NGB Form 22A) of prior active duty service and 6 years, 8 months, and 15 days total service for pay (corrected by NGB Form 22A).

4. The applicant's service record contains the following documents:

a. The applicant's service record is void of information regarding his service in the Regular Army from 16 July 1987 through 13 July 1990. The applicant provided a DD Form 214 for this period of service which shows he enlisted in the Regular Army on 16 July 1987 and was separated on 13 July 1990 after completing 2 years, 11 months, and 28 days of active duty service.

b. The applicant's service record is void of a DD Form 4 showing his enlistment in the ARNG. It does contain the NGB Form 22 for the period ending 30 March 1994; however, it does not contain the NGB Form 22A, both of which were provided by the applicant and previously discussed in the record of proceedings.

c. DD Form 4 shows he enlisted in the Regular Army on 31 March 1994. He remained in the Regular Army through immediate reenlistments.

d. DD Form 214 shows he was in the Regular Army from 31 March 1994 through 9 July 1998. He completed 4 years, 3 months, and 9 days of net active duty service with 3 years, 7 months, and 18 days of prior active duty service, and 3 years and 27 days of prior inactive duty service.

e. DD Form 4 shows he enlisted in the Regular Army on 4 May 1999. He remained in the Regular Army through immediate reenlistments.

f. Orders 075-1034, published by Headquarters, U.S. Army Garrison, Fort Drum, NY 16 March 2011 shows he was discharged from the Regular Army on 31 August 2011 and was placed on the retired list on 1 September 2011. He had 20 years, 3 months, and 14 days for retirement and 23 years, 3 months, and 21 days for basic pay.

g. DD Form 214 shows he entered active duty on 4 May 1999, and he was honorably transferred to U.S. Army Reserve Control Group (Retired) on 31 August 2011. He had 12 years, 3 months, and 27 days of active duty service with 7 years, 10 months, and 27 days of prior active duty service and 3 years and 27 days of prior inactive duty service.

5. On 25 March 2024, the National Guard Bureau provided an advisory opinion, which states upon review of the attached case regarding the applicant, his ARNG records are accurate and there is no equity for the ARNG.

6. On 16 April 2024, the advisory opinion was provided to the applicant to allow him the opportunity to respond. On 25 April 2024, the applicant responded stating, in effect, the following problem was created on 10 July 1996. The information contained in section 7a (Total Active Military Service) and 7b (Total Inactive Military Service) on his DD Form 4, 10 July 1996 was incorrect. The form does not correctly show his time of service. The correct time periods are as follows:

a. Active Duty and Active Duty (Mobilization): 16 July 1987 through 13 July 1990 (2 years, 7 months, and 2 days); 21 November 1990 to 10 July 1991 (7 months and 20 days) ARNG mobilization for Desert Storm.

b. ARNG time period with the PRARNG: 14 July 1990 to 20 November 1990 and 11 July 1991 to 31 March 1994.

7. The applicant provided the following documents with his rebuttal:

a. Page one of his DD Form 4 wherein he enlisted in the Regular Army on 10 July 1996. Block 7a (Total Active Military Service) shows 2 years, 10 months, and 29 days and block 7b (total Inactive Military Service) shows 6 years and 25 days, which the applicant states is incorrect.

b. DA Form 3340 shows the applicant requested reenlistment in the Regular Army on 10 July 1996.

c. Basic Combat Training Course Certificate shows he completed basic combat training on 17 September 1987.

d. Unit Level Communications Maintainer Course Certificate shows he graduated on 7 December 1987.

e. Tropic Lightning Fighter Course I Certificate shows he completed the course from 29 February 1988 through 4 March 1988.

f. Cobra Gold 88 Certificate shows he participated in the exercise from 4 July 1988 to 11 August 1988.

g. Certificate of Achievement shows he participated in Orient Shield '90 from 10 October 1989 through 4 November 1989.

h. The Army Achievement Medal (AAM) Certificate, 1 December 1989, shows he was awarded the AAM for his deployment to Japan for Orient Shield 1990.

i. The Army Commendation Medal (ARCOM) Certificate, 12 July 1990, shows he was awarded the ARCOM for his service in a myriad of roles with his unit from 17 December 1987 to 15 July 1990.

j. An ARCOM Certificate, 28 May 1991 shows he was awarded the ARCOM for meritorious achievement as a Combat Signaler while performing duties in support of Operations Desert Shield and Storm from 21 November 1990 to 28 February 1991.

k. A Superior Cadet Decoration Award shows he was selected as the outstanding cadet from 1992 to 1993.

l. A letter from National Personnel Records Center, 25 March 2014, shows the awards they were authorized to ship him based on the documents he provided and/or his official documents.

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.

a. The evidence shows the applicant retired from active duty on 31 August 2011 due to length of service. The applicant's retirement DD Form 214 accurately reflects his active duty service. His active duty periods, according to his DD Forms 214, are as follows:

- 16 July 1987 to 13 July 1990, 2 years, 11 months, and 28 days
- 21 November 1990 to 10 July 1991, 0 years, 7 months, and 20 days
- 31 March 1994 to 9 July 1998, 4 years, 3 months, and 9 days with
- Prior active duty 7 years, 10 months, and 27 days
- 4 May 1999 to 31 August 2011, 12 years, 3 months, and 27 days
- Total active service 20 years, 2 months, and 24 days

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 policies and procedures regarding separation documents, including the DD Form 214 (Certificate of Release or Discharge from Active Duty).

a. The DD Form 214 is a summary of the 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.

b. The instructions for preparation of item 12a (Date Entered Active Duty this Period) state to enter the beginning date of the continuous period of active duty for issuance of this DD Form 214, for which a DD Form 214 was not previously issued.

c. The instructions for preparation of item 12b (Separation Date this Period) state this is the Soldier's transition date. This date may not be the contractual date if the Soldier is separated early, voluntarily extends, or is extended for make-up of lost time, or retained on active duty for the convenience of the Government.

d. The instructions for preparation of item 12c (Net Service this Period) states this is the amount of service this period, computed by subtracting item 12a from 12b. Lost time and non-creditable time after expiration term of service, if any, are deducted.

e. The instructions for preparation of item 12d (Total Prior Active Service) states from previously issued DD forms 214, enter total amount of prior active military service less lost time, if any.

f. The instructions for preparation of item 12d (Total Prior Inactive Service) states from previously issued DD Forms 214 and/or Enlisted Record Brief/Officer Record Brief, enter the total amount of prior inactive service, less lost time, if any. Delayed entry program time that began on or after 1 January 1985 is not creditable service for pay purposes and will not be entered in this block. However, it is creditable service for completing the statutory military service obligation, and will be entered in block 18.

//NOTHING FOLLOWS//