

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 December 2023

DOCKET NUMBER: AR20230004739

APPLICANT REQUESTS: reconsideration of his previous request for the correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for service ending 30 October 1982 to reflect the period of service ended on 30 October 1983.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 service ending 30 October 1982
- DD Form 215 (Correction to DD Form 214 (Certificate of Release or Discharge from Active Duty) service ending 30 October 1982
- Army Review Boards Agency (ARBA) letter, 7 June 2021
- ARBA letter, 19 August 2021
- Department of Veterans Affairs (VA) Form 21-4138 (Statement in Support of Claim)
- City of Albany 2023 Property Taxes statement
- Excerpt from the 82nd Airborne Division Yearbook 1946 through 2016
- Two Basic Combat Training photographs

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 AR20210014190 on 29 April 2022.

2. The applicant states in effect, the date of his discharge on his DD Form 214 reflects he was separated from the Army on 30 October 1982; however, he was still in the Army through 29 October 1983. He is attempting to obtain copies of his military service records for supporting evidence. He requests the correction of his DD Form 214 for his family history and to have accurate documentation of his military service.

a. On the VA Form 21-4138, the applicant stated he provided this as supporting documentation to support his claim of military service longer than reflected on his DD Form 214. The DD Form 214 listed his Expiration Term of Service (ETS) as 30 October 1982, but he knows he was in the service longer because on

18 September 1982, he was involuntarily extended for 1-year because he held a critical military occupational specialty of Tank Turret Specialist. During his extension he dated P- N-, who was the wife of a Special Forces Major. She was separated from her husband at the time. He and P- N- were friends, but he remembers the friendship creating a problem with his military career.

b. During the extension he also volunteered for deployment with an infantry unit as a paratrooper to Grenada during 25 through 29 October 1983. He remembers jumping from the airplane, landing on the ground, collecting his gear and double timing to a group of civilian observers. He then set up a protective perimeter to keep them away from the drop zone. At the Air National Guard base in Grenada, he remembers giving his name and answering questions upon entry to the base. After he checked into the base, they were taken to a Marriott hotel where he stayed for 2-days drinking. Upon his return to Fort Bragg, he was discharged from the Army. He has provided an excerpt from the 82nd Airborne Yearbook 1946 through 2016 which shows a campaign list for evidence of his service.

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

a. On 15 October 1979, the applicant enlisted in the U.S. Army Reserve (USAR) Delayed Entry Program (DEP). On 30 October 1979, he was discharged from the USAR DEP and enlisted in the Regular Army.

b. DA Form 2-1 (Personnel Qualification Record) shows the following:

- Item 5 (Oversea Service) is void of any entries
- Item 21 (Time Lost) shows the applicant was absent without leave on 6 August 1981
- Item 35 (Record of Assignments) shows the applicant was assigned to the Heavy Machine Shop, 782nd Maintenance Battalion, 82nd Airborne Division as a tank turret repairman
- Item 35 shows the applicant was released from active duty on 30 October 1982, assigned to the USAR Control Group (Reinforcement)

c. In September 1981, the applicant accepted non-judicial punishment (NJP) for being absent without leave. His punishment included reduction in rank, suspended until 10 October 1981; forfeiture of pay for 1-month and 7-days in confinement, suspended until 10 October 1981.

d. On 18 November 1981, the applicant again accepted NJP under the provisions of Article 15, UCMJ, for one specification of disrespect to a superior commissioned officer and two specifications of failure to obey a lawful order. His punishment included reduction in rank and forfeiture of pay.

e. On 3 August 1982, Orders Number 147-67, issued by Headquarters, 82nd Airborne Division, the applicant was reassigned to the transition point for separation processing. These orders show the applicant had a military service obligation that ended on 29 October 1985 and his ETS was 30 October 1982.

f. On 30 October 1982, the applicant was honorably released from active duty and assigned to the USAR Control Group (Reinforcement) by reason of completion of required service. DD Form 214 shows the applicant completed 3-years of active service. It also shows in items:

- Item 12b (Separation Date this Period): shows 30 October 1982
- Item 12i (Reserve Obligation Termination Date): 29 October 1985
- Item 18 (Remarks): Nothing Follows
- Item 29 (Dates of Time Lost During this Period): 6 August 1981

g. On 29 April 2022, the ABCMR adjudicated the applicant's request for the correction of his DD Form 214 to change his period of service ending to 30 October 1983, to be awarded the Army Good Conduct Medal and the Purple Heart and he was deployed in combat to Grenada. The Board determined the evidence presented was sufficient to warrant a recommendation of a partial relief. As a result, the Board recommended the applicant's military service records be corrected by awarding the Army Good Conduct Medal for exemplary service during the period of 30 October 1979 through 29 October 1982 and correcting his DD Form 214 for the period ending 30 October 1982 by adding the Army Good Conduct Medal and completion of the Basic Airborne course. There was insufficient evidence to change his service ending date or to award him the Purple Heart.

4. The applicant provides an ARBA letter dated 19 August 2021, which stated the agency advised the applicant on 12 June 2021 he needed to provide copies of the necessary documents in order to process his application regarding the correction of his military records. As the applicant did to provide the requested documents by the prescribed suspense date his case was closed without action and without prejudice. When he obtained the requested documents, he could reapply. He also provides:

a. City of Albany property taxes which shows a Veteran exemption and 2 photographs of platoon photos at Fort Dix, NJ, on 9 November 1979.

b. Excerpt from an 82nd Airborne Yearbook which reflects the applicant's name under the heading U.S. Invasion of Grenada on page B11. His name is also on page 1 with a quote from him stating in effect, he met a lady in Jamaica and he has three daughters. He owns a condo and is a health aide worker. He liked his airborne deployment and defending his country.

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 of record shows the applicant enlisted in the Regular Army on 30 October 1979 for 3 years. As such, the expiration date of his term of service was 30 October 1982. On 3 August 1982, Orders Number 147-67, issued by Headquarters, 82nd Airborne Division, reassigned the applicant to the transition point for separation processing and that his ETS was 30 October 1982. Accordingly, he was honorably released from active duty on 30 October 1982. His DD Form 214 correctly listed his separation date as 30 October 1982. The Board found no error or injustice or evidence he served on active duty beyond his separation date.

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 AR20210014190 on 29 April 2022.

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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.

REFERENCE:

Army Regulation 635-5 (Personnel Separations - Separation Documents) in effect at the time prescribes the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service or control of the Army. It establishes standardized policy for preparing and distributing the DD Form 214 (Certificate of Release or Discharge from Active Duty).

a. Paragraph 2-2 (Source documents) consist of DA Form 201 (Military Personnel Records Jacket, DA Form 2-1, separation orders, DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States, enlistment records and any other available records.

b. Paragraph 2-8 (DD Form 214 instructions.),

(1) Item 12b; enter the separation date shown in orders.

(2) Item 18; use the remarks section for entries required by HQs, Department of the Army for which a separate item is not available on the form and for completing entries that are too long for their blocks. There is no provision in this version of the regulation to show deployments. When an enlisted person is retained in service beyond the date of ETS, enter "Retained in service days for convenience of the Government."

//NOTHING FOLLOWS//