

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 November 2023

DOCKET NUMBER: AR20230004862

APPLICANT REQUESTS: correct his DD Form 214 (Certificate of Release or Discharge from Active Duty) by adding:

- Air Assault School
- Light Fighter Academy
- Ranger Indoctrination Program (RIP)
- Basic Skills Education Program (BSEP) II
- Defense Language Aptitude Battery (DLAB)
- Armed Forces Classification Test (AFCT)
- Removal of Bar to Reenlistment
- Remove his Reentry (RE) code of 3

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

- DD Form 149 (Application for Correction of Military Record)
- Orders Number 017-178 Reassignment Orders
- Disposition Form Water Survival Training
- Light Fighter Academy Training Record
- Disposition Form Annual Cold Weather Indoctrination
- Memorandum, Subject: Army Personnel Test Results
- Permanent Orders Number 170-10 Award of Air Assault Badge
- Exercise Northwind '90 Certificate
- Certificate of Achievement
- AFCT Scores
- Certificate of Completion BSEP II
- Artic Warrior Certificate

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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, he is requesting an update of his DD Form 214 by adding Air Assault School, Light Fighter Academy, RIP, DLAB, and AFCT to his military education. Remove RE Code 3 and bar to reenlistment, which was waived for him to join the Army National Guard (ARNG) where he received an honorable discharge and the Army Good Conduct Medal. The paperwork and orders he provided to the Board are his proof for the corrections requested, which were left off his military history/records.

3. The applicant requests correction of his record to add the AFCT and DLAB scores. The AFCT and DLAB scores are not listed on the DD Form 214. However, it is listed on the DA Form 2-1 (Personnel Qualification Record) which is managed by the local unit S-1. The Board will not consider these requests. The Board will consider the applicant's other requests.

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

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) dated 8 July 1988 shows the applicant enlisted in the U.S. Army Reserve (USAR) Delayed Entry Program (DEP) for a period of 8 years. On 6 September 1988, he was discharged from the USAR DEP and entered active duty for a period of 4 years in military occupational specialty 11B (Infantryman).

b. DA Form 2-1 shows in item:

(1) 8 (Aptitude Area Scores) Defense Language Aptitude Test, 13 April 1989, Score 79.

(2) 17 (Civilian Education and Military Schools) Basic Airborne, 3 weeks, completed yes, 1989 and RIP 3 weeks, completed, no 1989. There is not an entry for Air Assault School, Light Fighter Academy, BSEP II, DLAB, or AFCT.

c. DA Form 1695 (Oath of Extension of Enlistment) dated 15 March 1989 shows the applicant extended his enlistment for a period of 7 months.

d. DA Form 2627 (Record of Proceedings Under Article 15, Uniform Code of Military Justice (UCMJ)) dated 6 June 1991, shows the applicant accepted nonjudicial punishment (NJP) under the provisions of Article 15, UCMJ, for willfully disobeying a lawful order from a noncommissioned officer. His punishment included reduction to E-3, suspended; forfeiture of pay, suspended; and restriction and extra duty. The applicant did not appeal the punishment.

e. Permanent Orders Number 69-1, published by Headquarters, 6th Infantry Division (Light) and U.S. Army Garrison Alaska, dated 16 August 1991, awarded the

applicant the Army Good Conduct Medal (First Award) for exemplary behavior, efficiency, and fidelity from 6 September 1988 through 5 September 1991.

f. DA Form 2627 dated 28 August 1991, shows the applicant accepted NJP under the provisions of Article 15, UCMJ, for making a false official statement. His punishment included reduction to E-2; forfeiture of pay, suspended; and restriction and extra duty. The applicant did not appeal the punishment.

g. Orders Number 198-17, published by Headquarters, 6th Infantry Division (Light) and U.S. Army Garrison, Alaska, dated 17 October 1991, discharged the applicant from the Army, effective 31 October 1991.

h. DD Form 214 shows the applicant entered active duty on 6 September 1988 and was honorably discharged on 31 October 1991. DD Form 214 shows in block:

(1) 13 (Decorations, Medals, Badges, Citation, and Campaign Ribbons Awarded or Authorized):

- Army Service Ribbon
- National Defense Service Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- Parachutist Badge
- Army Good Conduct medal

(2) 14 (Military Education) None.

(3) 25 (Separation Authority) Army Regulation 635-200 (Personnel Separations Enlisted Personnel), paragraph 16-5.

(4) 27 (Reentry Code) RE-3.

(5) 28 (Narrative Reason for Separation) Locally imposed bar to reenlist.

i. DD Form 4, dated 31 May 2004, shows the applicant enlisted in the ARNG for a period of 4 years and 40 weeks.

j. National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service) shows the applicant enlisted in the ARNG on 31 May 2004 and was honorably released from the ARNG on 23 August 2004. NGB Form 22 shows in item:

(1) 12 (Military Education) Infantryman, 9 weeks, December 1988; Airborne Course, 3 weeks, January 1989; Air Assault School, 2 weeks, September 1989; and BSEP II, 1 week, November 1990.

(2) 15 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded) Army Service Ribbon, Air Assault Badge, Army Good Conduct Medal, National Defense Service Ribbon, and Parachutist Badge.

k. The applicant's service record was void of:

- a bar to reenlistment
- evidence of completion of the Air Assault Course
- evidence regarding the Light Fighter Academy
- evidence of completion of BSEP II
- evidence regarding the AFCT

5. The applicant provides the following documents:

a. Orders Number 017-178, published by Headquarters, United States Army Infantry Center, dated 17 January 1989, reassigning the applicant to the 75th Ranger Regiment for RIP.

b. Disposition Form Subject: Water Survival Training, dated 27 March 1989, which shows the applicant successfully completed Water Survival Training.

c. Light Fighter Academy Training Record from 27 March 1989 through 31 March 1989, which shows the training the applicant completed at the academy.

d. Disposition Form Subject: Annual Cold Weather Indoctrination, dated 30 March 1989 shows the applicant successfully completed Annual Cold Weather Indoctrination.

e. Memorandum, Subject: Army Personnel Test Results, dated 13 April 1989 shows the applicant's DLAB score was 79.

f. Permanent Orders Number 170-10, published by Headquarters, 6th Infantry Division (Light) and U.S. Army Garrison Alaska, dated 10 October 1989, awarded the applicant the Air Assault Badge for successful completion of the Air Assault Training Course from 11 September 1989 through 22 September 1989.

g. Exercise Northwind '90 Certificate shows the applicant participated in Exercise Northwind '90 from 16 February 1990 through 9 March 1990 which developed goodwill and camaraderie between the U.S. Army and the Japanese Ground Self Defense Force.

h. Certificate of Achievement for exceptionally meritorious achievement on 18 April 1990 during the arctic challenge test.

i. AFCT Scores, dated 20 November 1990, which shows the applicant's scores and is available for the Board's consideration.

j. Certificate of Completion BSEP II, November 1990, which included 52.5 hours of instruction.

k. Arctic Warrior '91 Certificate for participation in the Exercise Arctic Warrior '91.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found partial relief is warranted.

2. The Board noted the instructions for completing the DD Form 214 do not provide for recording tests or test scores in item 14. The Board determined the absence of tests on the applicant's DD Form 214 is not an error.

3. The Board considered the applicant's period of honorable service in the ARNG but did not find that service provides a basis for altering the reason for separation and reentry code on his DD Form 214. The Board determined the reason for separation and reentry code on his DD Form 214 are not in error or unjust.

4. The Board concurred with the corrections described in Administrative Note(s) below.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:            :            :            GRANT FULL RELIEF

■            ■            ■            GRANT PARTIAL RELIEF

:            :            :            GRANT FORMAL HEARING

:            :            :            DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by making the corrections described in Administrative Note(s) below.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to any relief in excess of that described above.

2/16/2024

X [Redacted Signature]

CHAIRPERSON

[Redacted Name]

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.

ADMINISTRATIVE NOTE(S):

The record confirms the following changes should be made to the applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 31 October 1991:

- Add to Item 13 – Air Assault Badge
- Replace the entry in Item 14 with the following – Infantryman, 9wks, December 1988; Airborne Course, 3 weeks, January 1989; Air Assault School, 2 weeks, September 1989; and BSEP II, 1 week, November 1990

REFERENCES:

1. Title 10, USC, 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. AR 635-5 (Separation Documents), and Interim Change Number 1, in effect at the time, prescribes the separation documents which are prepared for individuals upon

retirement, discharge, or released from active duty service or control of the Army. It establishes policy for preparing and distributing DD Form 214.

a. Source Documents. Personnel Officer will use the following when preparing DD Form 214:

- DA Form 201 (Military Personnel Records Jacket)
- DA Form 2-1
- Separation orders
- DD Form 4
- DA Form 3716 (Personnel Financial Record)
- Enlistment records and DD Forms 214 for prior service personnel
- Any other available records

b. Block 14 (Military Education). List formal in service (full-time attendance) training courses successfully completed during the period of service covered by title, length in weeks, and month and year completed. This information is to assist the Soldier after separation in job placement and counseling; therefore training courses for combat skills will not be listed.

c. Table 2-3, Interim Change Number 1, (SPD/RE Code Cross Reference Table) shows a separation code of KGF would have a RE code of 3 or 4.

3. AR 601-210 (Regular Army and Reserve Components Enlistment Program) table 3-1 (U.S. Army reentry eligibility codes) states:

a. RE-1: Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army.

b. RE-3: Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation or disqualification is waiverable.

c. RE-4: Applies to: Person separated from last period of service with a nonwaiverable disqualification.

d. RE-4R: Applies to: A person who retired for length of service with 15 or more years active federal service.

4. AR 15-185 (ABCMR), prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. It states, the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//