

IN THE CASE OF: ██████████

BOARD DATE: 15 December 2023

DOCKET NUMBER: AR20230005453

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show he was separated on 1 February 1973.

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

- DD Form 149 (Application for Correction of Military Record)
- copy of his Armed Forces of the United States Identification Card

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 he was drafted in March 1970 (note: interpreted to mean 1971) and he served for two years in the U.S. Army. His basic combat training was at Fort Leonard Wood, MO and his advanced individual training was at Fort Johnson, LA (formerly Fort Polk). He then spent 21 months at Fort Leonard Wood. He was released early on 4 December 1973 (note: interpreted to mean 1972). He would like the correction to be made because he served his country honorably for two years and not one as shown on his DD Form 214. He had not noticed this error until he applied for Department of Veterans Affairs (VA) medical benefits. Correction of his service in the U.S. Army would satisfy and let everyone know that he served for two years as required for the draft.
3. The applicant's DD Form 47 (Record of Induction) and Acknowledgement of Service Obligation show he was inducted into the Army of the United States on 2 February 1971 for a two-year active-duty service obligation.
4. The applicant's DD Form 214 shows he was honorably released from active duty on 4 December 1972 under the authority of Department of the Army (DA) Message DARC PEM 182200Z, dated February 1972, by reason of "early release to serve one year in Army National Guard (ARNG) unit." The DD Form 214 also shows he was credited with

1 year, 10 months, and 2 days of active service with one day of lost time. The DD Form 214 further shows he was transferred to the [REDACTED] ARNG.

5. The applicant's National Guard Bureau Form 22 (Report of Separation and Record of Service) shows he entered ARNG service on 5 December 1972 and that he was discharged from the ARNG on 1 April 1974.

BOARD DISCUSSION:

1. After reviewing the application, supporting documents, evidence found within the military record, the Board found relief was not warranted. The Board carefully considered the applicant's request, supporting documents, and evidence in the records. The applicant was drafted on 2 February 1971 for a two-year active-duty service obligation. He completed basic training and received an MOS. His DD214 shows in item 11e (Type of Transfer or Discharge) that he was released early under "SPN 432 & DA MSG DARC PEM 182200Z Feb 72 to serve one year in ARGN Unit. The message implemented post-Vietnam phasedown release programs and authorized early release to serve one year in ARNG or USAR unit.

2. The Board further noted that based on previous opines provided by the Office of Deputy Chief of Staff for Personnel, Headquarters, Department of Army, that the Army's had neither the intent nor authority to grant creditable active Federal service for time not actually served on active military duty. The intent of early release programs only gave credit for completing an enlistment in order for a Soldier to qualify for post-service Veterans Administration benefits. After due consideration of the applicant's request, the Board determined the evidence presented does not meet the burden of proof in determining the existence of an error or injustice and a recommendation for relief is not warranted.

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 Board determined 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.

2/28/2024

X [REDACTED]

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CHAIRPERSON

[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 (Separations Documents), in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for the preparation of the DD Form 214. It states the DD Form 214 is a synopsis of the

Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge.

3. DA Message DARC PEM 182200Z, dated February 1972 (message is not available), was one of a series of messages that implemented the post-Vietnam phase down release initiatives in the early 1970s using the Reserve Components Active Army In-Service Recruiting Program as a means to transition personnel to serve in the Reserve Components. These initiatives essentially provided for voluntary early release from active duty of first term Soldiers who agreed to serve in an active ARNG or U.S. Army Reserve (USAR) unit.

a. Regular Army first-term Soldiers serving on an initial tour could be released from active duty as soon as possible following application and acceptance by an ARNG or USAR unit.

b. In previous similar cases, the Office of the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, has provided an opinion that the Department of the Army never intended or had the legal authority to grant creditable active Federal service for time not actually served on active military duty. The opinion stated that the early release program only gave credit for completing the enlistment period so that the Soldier would qualify for post-service VA benefits.

//NOTHING FOLLOWS//