

IN THE CASE OF: ██████████

BOARD DATE: 6 December 2023

DOCKET NUMBER: AR20230005473

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), to show his entry date as 2 July 1973.

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

- DD Form 149 (Application for Correction of Military Record)
- self-authored statement
- DA Form 2-1 (Personnel Qualification Record)
- DD Form 214, effective 31 July 1995
- letter, National Personnel Records Center (NPRC)

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 that he entered active duty in the United States Army on 2 July 1973 and served continuously until he retired on 31 July 1995. He states that he recently attempted to get into a Veterans Assistance Program and was denied, based on the entry date listed on his DD Form 214.
3. The applicant provides:
  - a. A self-authored statement that discusses the applicant's request of correcting his military record to show his date of entry on active duty as 2 July 1973.
  - b. A DA Form 2-1 that outlines his service from 21 May 1973 through 20 April 1990.
  - c. A DD Form 214, effective 31 July 1995, that shows the applicant's date of entry on active duty this period as 10 May 1976.

d. A letter dated 14 February 2023 from NPRC providing military records to the applicant.

4. A review of the applicant's service record confirms an award was omitted from his DD Form 214. The award will be added to his DD Form 214 as administrative correction and will not be considered by the Board. The Board will consider his request for correction to item 12a of his DD Form 214 for the period ending 31 July 1995.

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

a. The applicant enlisted in the U.S. Army Reserve Delayed Enlistment Program on 21 May 1973.

b. On 1 July 1973 his was discharged from the USAR DEP in order to enlist in the Regular Army.

c. On 2 July 1973, he enlisted in the Regular Army for a for a term of 3 years.

d. The DD Form 214 discharging him from the Regular Army on 9 May 1976 for the purpose of his reenlistment is not contained in the available records.

e. On 10 May 1976, he reenlisted for a term of 3 years.

f. On 12 February 1979, he was honorably discharged from the Regular Army for the purpose of reenlisting. His DD Form 214 for this period shows in item 18 (Record of Service):

- item 18a (Net Service This Period) – 2 years, 9 months, and 3 days
- item 18b (Prior Active Service) – 2 years, 10 months, and 8 days
- item 18c (Total Active Service) – 5 years, 7 months, and 11 days
- item 18d (Prior Inactive Service) – 1 month and 11 days

g. The DD Form 4 showing a reenlistment on 13 February 1979 is not contained in the available records.

h. Following a series of reenlistments and extensions he was retired from active duty on 31 July 1995. His DD Form 214 shows in:

- item 12a (Date Entered Active Duty This Period) – 10 May 1976 (should show 13 February 1979)
- item 12b (Separation Date This Period) – 31 July 1995
- item 12c (Net Active Service This Period) – 19 years, 2 months, 21 days (should show 16 years, 5 months, and 19 days)

- item 12d (Total Prior Active Service) – 2 years, 10 months, and 8 days  
(should show 5 years, 7 months, and 11 days)
- item 12e (Total Prior Inactive Service) – 1 month and 11 days

6. By regulation, AR 635-5 (Separation Documents), effective before 1 October 1979, states:

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 all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

b. A separation document would be furnished to each individual who is separated from the Army. It established standardized procedures for the preparation and distribution of these documents. All available records would be used as a basis for the preparation of the DD Form 214, including DA Form 20, and orders.

c. Effective 1 October 1979, a DD Form 214 would not be prepared for enlisted members discharged for immediate reenlistment in the Regular Army.

7. By regulation, AR 600-8-22 (Military Awards), states the Korea Defense Service Medal is authorized for award to Servicemembers of the Armed Forces of the United States who have served on active duty in support of the defense of the Republic of Korea and must have been assigned, attached, or mobilized to units operating in the AOE for 30 consecutive or for 60 nonconsecutive days.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board agreed there is sufficient evidence to support correction of the applicant's DD Form 214 for the period ending 31 July 1995. The Board determined the applicant has a total of three (3) separate DD Form 214, of which is his first DD Form 214 for the period 1973 to 1976 is missing but received a NA Form 13038 (Certificate of Military Service) with an ending period of 9 May 1976.

2. The Board noted based on regulatory guidance that went into effect 1 October 1979, stating a DD Form 214 would not be prepared for enlisted members discharged for

immediate reenlistment in the Regular Army. However, due to the applicant's reenlistment dated he received his second DD Form 214 for the period 10 May1976 to 12 February 1979 which correctly covers his period of service. The Board noted there is an error on the applicant's third and final retirement DD Form 214 capturing his time in service twice with the same dates. Based on the preponderance of evidence, the Board determined the applicant has a total of 22 years and 29 days of active service and that his DD Form 214 for the period 31 July 1995 should be corrected to amend his date of entry onto active duty as well as his total prior active service and net service. As such, the Board granted relief.

3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

■	■	■	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

In addition to the administrative notes annotated by the Analyst of Record (below the signature), the Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the DD Form 214 for the period ending 31 July 1995 to show in:12 (Record of Service)

- item 12a (Date entered AD this period): 1979 02 13
- item 12c (Net Active Service This Period): 16 years, 5 months, and 19 days
- item 12d (Total Prior Active Service) 5 years 07 months 11 days

4/4/2024

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.

ADMINISTRATIVE NOTE(S):

A review of the applicant's records shows he is authorized an additional award not listed on his DD Form 214 for the period ending 31 July 1995. As a result, amend his DD Form 214 to show award of the Korea Defense Service Medal.

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 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

3. Army Regulation 635-5 (Separations Documents), in effect on 15 July 1978, prescribed the separation documents that would be prepared for individuals upon retirement, discharge, or release from active military service. The Military Personnel Records Jacket, US Army (MPRJ), Official Military Files (OMPF), DA Forms 2 and 2-1 are the basic source documents for preparing DD Form 214 WS (Worksheet). Personnel officers should review all available documents.

a. A DD Form 214 would be furnished at the time of separation to each member of the Regular Army.

b. In item 18 (Record of Service), all service shown in 18(a) through 18(e) will be less time lost under Title 10, USC Section 972 and time lost subsequent to expiration of term of service.

4. Army Regulation 635-5 (Separation Documents), in effect on 1 October 1979, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. The DD Form 214 is of vital importance to the separating Soldier and must be properly prepared according to prescribed guidance; ensure all information on the DD Form 214 and other separation documents is accurate.

a. Army Regulation 635-5, effective 1 October 1979, stated a DD Form 214 would not be prepared for enlisted members discharged for immediate reenlistment in the Regular Army.

b. In Block 12 (Record of Service), use extreme care in completing this block since post-service benefits, final pay, retirement credit, and so forth are based on this information.

c. In Block 12a (Date Entered Active Duty), enter the beginning date of the continuous period of AD for issuance of this DD Form 214, for which a DD Form 214 was not previously issued.

d. In Block 12b (Separation Date This Period), enter the Soldier's transition date. This date may not be the contractual date if 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.

e. In block 12c (Net Active Service This Period), enter the amount of service this period, computed by subtracting item 12a from 12b. Lost time under Title 10 USC 972 and non-creditable time after ETS, if any, are deducted.

f. In block 12d (Total Prior Active Service), from previously issued DD Forms 214 and or ERB/ORB, enter the total amount of prior active military service, less lost time, if any.

g. In block 12e (Total Prior inactive Service), from previously issued DD Form 214 and or ERB/ORB, enter the total amount of prior inactive service, less lost time, if any.

4. Army Regulation 600-8-22 (Military Awards), states the Korea Defense Service Medal is authorized for award to Servicemembers of the Armed Forces of the United States who have served on active duty in support of the defense of the Republic of Korea and must have been assigned, attached, or mobilized to units operating in the AOE for 30 consecutive or for 60 nonconsecutive days.

//NOTHING FOLLOWS//