

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 December 2023

DOCKET NUMBER: AR20230006024

APPLICANT REQUESTS:

- correction of his Chronological Statement of Retirement Points to show the missing years of 1986 to 1987 and 1990 to 1992
- a copy of his DD Form 214 (Certificate of Release or Discharge from Active Duty) from the Reserves

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

DD Form 149 (Application for Correction of Military Record)

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 did not look at his discharge papers until he tried to apply for his Certificate of Eligibility (COE) [from the Department of Veterans Affairs (VA)]. he was told he has missing dates and not a complete service time/reenlistment points. He is asking for this information to reapply for his VA COE.
3. The applicant enlisted in the New York Army National Guard (NYARNG) on 31 July 1984 for a period of 8 years.
4. Orders 160-174 show the applicant was ordered to active duty for training (ADT). He entered active service on 13 November 1984.
5. A letter, dated 28 November 1984, to the applicant's reserve unit commander subjected: Fraudulent Enlistment states to provided notification the applicant enlisted under conditions which may have resulted in a fraudulent enlistment due to concealment of an arrest record. Immediate action was requested to adjudicate his case and furnish a recommendation.

6. The applicant's unit responded on 5 December 1984 requesting to retain the applicant as he had attended all scheduled drills and was attending active-duty training at Fort Benning, GA.

7. The applicant completed his required training and was honorably released from active duty and reassigned to Company C, 2 Battalion 108th Infantry, Syracuse NY. His DD Form 214 shows he was credited 3 months and 19 days net active service this period.

8. The request to adjudicate the applicant's fraudulent enlistment case and furnish a recommendation was forwarded to the reception station at Fort Benning, GA on 13 March 1985. The request was returned without action as the applicant had already been released from active duty and returned to the NYARNG. The request was again sent to the applicant's National Guard commander for action.

9. The applicant was discharged under honorable conditions from the NYARNG on 15 August 1985 and transferred to the Ready Reserve for Annual Training (AT).

10. Orders 218-120 show the applicant was ordered to AT for the period 6 September 1988 to 17 September 1988.

11. A Request for Reserve Component Assignment or Attachment, dated 30 November 1989 shows the applicant requested assignment to the 121st Chemical Detachment, Mattydale, NY. A supporting statement from the Syracuse Recruiting Battalion shows the commander understood that this applicant was an unsatisfactory participant during his last assignment with a unit of the Army Reserve or Army National Guard.

12. Orders C-12-059157 show the applicant was reassigned as requested effective 5 December 1989.

13. A memorandum, subjected: Letter of Instruction - Unexcused Absence, dated 26 March 1990, shows the applicant was absent from the scheduled unit training assembly on 3 March 1990 and 4 March 1990. He was advised his next drill was scheduled for 7 April 1990.

14. Orders 087-051 show the applicant's unit was ordered to AT for the period 16 June 1990 to 30 June 1990. A travel voucher shows the applicant attended this AT.

15. A Chronological Statement of Retirement Points, dated 8 December 1990, shows the following:

- anniversary year 31 July 1985 to 30 July 1986 – 15 total creditable points
- anniversary year 4 July 1987 to 3 July 1988 – 16 total creditable points

- anniversary year 31 July 1988 to 30 July 1989 – 17 total creditable points
- anniversary year 31 July 1989 to 30 July 1990 – 51 total creditable points
- Total: 1 year, 00 months, 00 days
- Total Service (Qualifying and Nonqualifying) for longevity pay purposes – 6 years, 4 months, 7 days

16. Orders 27-04 shows the applicant was transferred to the Ready Reserve on 9 April 1991 for unsatisfactory participation. Orders D-07-231310 show he was honorably discharge from Ready Reserve effective 30 July 1992.

17. The applicant did not provide any documents to support his contention.

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 DD Form 214 is a record of continuous active service. Aside from his ADT DD Form 214, there is no evidence the applicant completed 90 or more consecutive days of active service which would have warranted the issuance of another DD Form 214.

b. Regarding correction of his Chronological Statement of Retirement Points to show the missing years of 1986 to 1987 and 1990 to 1992, the applicant does not provide evidence and his record does not contain evidence that he performed any inactive or active duty during these periods. If the applicant has copies of his DA Form 1380 or Leave and Earnings Statements for the contested periods, he may reapply to this Board for reconsideration.

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 found 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.

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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.

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 (AR) 635-5 (Separation Documents), the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The information entered thereon reflects the conditions as they existed at the time of separation. On 1 October 1979, the Army no longer issued a separate DD Form 214 for each period of immediate reenlistment.

3. AR 140-1 (Mission, Organization, and Training) states in paragraph 3-26 (Training of Soldiers in a non-pay status), Soldiers in an active status may take part in individual inactive duty training (IDT) in a non-pay status when authorized by the appropriate commander. In pertinent part, individual training opportunities with retirement point credit are approved for:

- attachment to appropriate Reserve Component Troop Program Units (TPU)
- attachment to Active Army units
- attachment to reinforcement training units as appropriate
- participation in approved training projects or using administrative skills in support of TPU and USAR activities
- attendance at Army service or Army area school training
- enrollment in appropriate extension courses
- attendance at authorized conventions, professional conferences, or appropriate trade association meetings related to the individual's mobilization specialty
- conducting or reviewing medical examinations, and related medical duties
- recruiting duties as described in AR 140–185

4. AR 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) contains Army policy for U.S. Army Reserve training and retirement point credit.

a. Paragraph 2-1 (Criteria for crediting retirement points) states, IDT will be either 4 hours in length for one retirement point or 8 hours in length for two retirement points, with the exception of the 2-hour IDT funeral honors duty. Funeral honors are authorized one retirement point per day in which funeral honors duty is performed for at least 2 hours.

b. Paragraph 2-2 (Criteria for earning retirement points) states, retirement points may be earned by USAR Soldiers for active duty or duty in an active status for active duty for training (ADT), initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), voluntary IDT, annual training (AT), IDT, membership points, and for other activities specified in this regulation. The following types of IDT are in accordance with AR 140-1: (1) Regularly scheduled unit training assembly include battle assemblies (BA) formally known as unit training assemblies. (2) Re-scheduled training (RST). (3) Make-up assemblies for missed BA due to AT. (4) Equivalent training (ET) in lieu of scheduled BA or RST. (5) Additional training assemblies (ATA). (6) Two-hour funeral honor IDT. (7) Training of individual Soldiers in non-pay status.

//NOTHING FOLLOWS//