

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 February 2024

DOCKET NUMBER: AR20230006683

APPLICANT REQUESTS: correction of the former servicemember's (FSM's) DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his separation date as 28 October 2022 vice 20 October 2022 and a personal appearance before the Board.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- [REDACTED] Death Certificate
- Text Messages

FACTS:

1. The applicant states:

a. Her son's separation date on his DD Form 214 needs to be amended from 20 October 2022 to 28 October 2022.

b. The FSM did not sign out of the Army and turn in his credentials until 28 October 2022. She visited Fort Stewart on 29 March 2023, and was told when the FSM did not show up to sign out, an email was sent to his command, but there was no response.

c. The FSM could not have been aware of signing out on 20 October 2022 because she spoke with him on the phone on 19 October 2022 and he was still under the impression that he would be getting out around his birthday, which is in November.

d. That same weekend, the FSM went home, and she asked him again about his separation date and he told her it would be around his birthday. The FSM left to go back to Fort Stewart on 23 October 2022. She received a phone call from him early in the morning on 27 October 2022 stating they had given him 24-hours to be off base, so she drove to Fort Stewart and helped him load his things the same day.

2. The applicant provides the following documents:

- a. The [REDACTED] Death Certificate, which shows he died on 25 February 2023.
- b. Text messages from the FSM, which state his separation date would be around his [REDACTED]

3. The FSM's records contain the following documents:

- a. A DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows he enlisted in the Regular Army on 2 August 2021.

- b. DA Forms 4856 (Developmental Counseling Form) show the FSM was counseled on numerous occasions during his service for misconduct.

- c. A DA Form 3822 (Report of Mental Status Evaluation), dated 29 July 2022, shows the FSM had no duty limitations due to behavioral health issues. His screening found no evidence of any defect in reasoning or judgement and that he had the capacity to understand right from wrong. His behavior health diagnosis was listed as "other problems related to employment."

- d. A memorandum for the FSM, subject: Notification of Administrative Separation, dated 7 September 2022, states the FSM's commander was initiating separation for patterns of misconduct. He received 11 counselings for various misconduct. On the same day, the FSM acknowledged receipt of the separation notice.

- e. A memorandum Election of Rights Regarding Separation, dated 13 September 2022, shows the FSM had been advised by his consulting counsel of the basis of the contemplated action to separate him. The FSM waived consideration of his case by an administrative separation board, waived a personal appearance before an administrative separation board, did not submit statements in his own behalf, and waived consulting counsel. The FSM did not believe he suffered from post-traumatic stress disorder.

- f. The FSM's chain of command recommended he be separated from the Army and his characterization of service be characterized as under honorable conditions (general). On 3 October 2022, the appropriate approval authority approved the FSM's separation and issued an under honorable conditions (general) discharge.

- g. A DD Form 214 shows he was discharged on 20 October 2022. He had completed 1 year, 2 months, and 19 days of active duty service. He was discharged for a pattern of misconduct with a character of service listed as under honorable conditions (general).

h. The FSM's service record is void of his separation orders and documentation showing he remained on active duty beyond his discharge date of 20 October 2022.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted. The Board found the available evidence sufficient to consider this case fully and fairly without a personal appearance by the applicant.
2. The Board found insufficient evidence to confirm the applicant's claim that the FSM's discharge date was later than the date shown on his DD Form 214. In the absence of military records, such as the FSM's discharge orders, showing a later discharge date, the Board determined the separation date shown on his DD Form 214 is not in error.

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 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.

5/6/2024

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. Army Regulation (AR) 15–185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR.

a. It states that 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. The ABCMR will decide cases based on the evidence of record. The ABCMR is not an investigative agency.

b. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

2. AR 635-8 (Separation Processing and Documents) prescribes the transition processing function of the military personnel system. It provides principles of support, standards of service, policies, tasks, rules, and steps governing required actions in the field to support processing personnel for separation and preparation of separation documents. Block 12b (Separation Date This Period). List the Soldier's transition date. This date may not be the contractual date if the Soldier was separated early, voluntarily extends, is extended to make up lost time, or is retained on active duty for the convenience of the Government.

//NOTHING FOLLOWS//