

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 6 February 2024

DOCKET NUMBER: AR20230007104

APPLICANT REQUESTS: correction to his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his date of separation as December 2007 vice January 2006.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty)

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, in effect, he was in until December 2007, but his DD Form 214 does not reflect as such; therefore, he'd like his records to be updated.
3. The applicant provides a copy of his DD Form 214, covering the period of 20 August 2004 thru 22 January 2006
4. A review of the applicant's service record shows:
 - a. On 13 January 2004, he enlisted for one year in the Kansas Army National Guard (KSARNG) in the "Try One in the Guard."
 - b. DA Form 4187 (Personnel Action), dated 13 August 2004, reflects the applicant's current expiration of term of service (ETS) of 12 January 2005 was involuntarily extended until 24 December 2031 [sic] due to Stop Loss.
 - c. Joint Forces Headquarters, KSARNG Orders 229-564, dated 16 August 2004, reflect the applicant was ordered to active duty, with a report date of 20 August 2004, for a period not to exceed 545 days in support of Operation Iraqi Freedom.

d. U.S. Army Human Resources Command (HRC) Orders A-10-521769, dated 19 October 2005, reflect the applicant was retained on active duty (AD), with a reporting date of 19 October 2005 for a period of active duty for 179 days, for the purpose of voluntarily participating in Reserve Component Medical Holdover Medical Retention Processing Program for completion of medical care and treatment.

e. Headquarters, 24th Infantry Division (Mechanized), Fort Riley, KS Orders Number 331-0059, dated 27 November 2005, reflect the applicant was released from active duty, with an effective date of 25 December 2005.

f. Headquarters, 24th Infantry Division (Mechanized), Fort Riley Orders 332-0037, dated 28 November 2005, revoked Orders 331-0059.

g. U.S. Army HRC orders A-10-521769R, dated 11 January 2006, reflect the unexecuted portion of Active Duty order, A-10-521769, was rescinded.

h. DD Form 214, covering the period of 20 August 2004 thru 22 January 2006, reflects he was honorably released from active duty and transferred to his unit in Kansas City, KS on 22 January 2006, under the provisions of Army Regulation (AR) 635-200 (Active Duty Enlisted Administrative Separations), chapter 4, completion of required active service. He completed 1 year, 5 months, and 3 days of net active service and 9 years, 7 months, and 7 days of total prior inactive service. Item 18 (Remarks) reflects he served in Kuwait/Iraq from 3 December 2004 thru 29 September 2005, in support of Operation Iraqi Freedom.

i. On 27 September 2006, the applicant extended or reenlisted in the ARNG for six (6) years.

j. Military Department of Nebraska, Office of the Adjutant General orders 113-704, dated 22 April 2008, reflects orders 099-750 (dated 8 April 2008) was revoked. As of note, the applicant's service record is void of a copy of orders 099-750, dated 8 April 2008, issued by this Headquarters.

k. DA Form 4187, dated 12 November 2009, reflects the applicant's commander requested the applicant be discharged from the Indiana (IN) ARNG under the provisions of NGR 600-200, paragraph 8-36j, with an effective date of 1 December 2009.

l. Personnel Information Report, dated 19 January 2010, reflects the applicant's expiration of term of service/mandatory retirement date (ETS/MRD) as 26 September 2012. It also states the applicant does not meet minimum profile standards for deployment.

m. Joint Forces Headquarters, INARNG Orders 019-1060, dated 19 January 2010, reflect the applicant was discharged from the Army National Guard and assigned to the USAR Control Group, with an effective date of 30 November 2009.

5. Army Regulation (AR) 635-5 (Personnel Separations - Separation Documents), prescribes 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 preparation of the DD Form 214. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge.

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. The evidence of record shows the applicant was ordered to active duty on 20 August 2004. He served in Kuwait/Iraq from 3 December 2004 to 29 September 2005. He returned to Fort Riley, KS, and was issued orders releasing him from active duty to the control of his State ARNG effective 22 January 2006. His DD Form 214 correctly reflects his separation date. The Board noted that he provides no evidence or convincing argument to show this date is in error or unjust.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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.

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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, United States 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 Army Board for Correction of Military Records (ABCMR) determines it would be in the interest of justice to do so.

2. Army Regulation 635-5 (Personnel Separations – Separation Documents) provides, 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.

//NOTHING FOLLOWS//