

IN THE CASE OF: ██████████

BOARD DATE: 24 April 2024

DOCKET NUMBER: AR20230007928

APPLICANT REQUESTS: In effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show the entirety of his service, including his active-duty service performed in the U.S. Army Reserve (USAR).

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

Online Application, dated 12 June 2023

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 not released from active duty at the time of his discharge. He had served as the Battalion Special Projects Officer and was not in training. He would like his DD Form 214 to show all of his periods of service when he was not in training.
3. The applicant enlisted as a cadet in the USAR on 21 August 2001. He was appointed as a Reserve commissioned officer of the Army on 4 August 2003. He entered active duty on 25 May 2004, to attend the Officer Basic Course (OBC).
4. By memorandum, dated 2 February 2005, the applicant was recommended for separation from the Army due to failure to achieve the OBC course standard. The memorandum states in pertinent part, it was clear the applicant was simply not prepared to function as an Artillery Officer. He was basically carried by the other members of his FDC [Fire Direction Center].
5. The intermediate commander concurred with the separation recommendation, with the applicant's service characterized as Honorable.

6. The applicant's immediate commander formally recommended the applicant's discharge from the Field Artillery OBC (FAOBC) for academically eliminating himself from FAOBC 1-04 and FAOBC 4-04.
7. The applicant did not agree with the recommendation and submitted a statement in his own behalf. In pertinent part, he stated he was and will always be a great asset to the Army.
8. The separation authority approved the recommended dismissal on 9 March 2005, and directed the applicant's release from active-duty service, under the provisions of Army Regulation 600-8-24 (Officer Transfer and Discharges), Chapter 2, by reason of not achieving the academic standard.
9. The applicant was released from active-duty training on 8 April 2005, under the provisions of Army Regulation 600-8-24, paragraph 2-37, for failure to complete course of instruction. His DD Form 214 confirms his service was characterized as honorable.
10. The DD Form 214 is a synopsis of a 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.
11. The USAR does not issue a Report of Separation or Record of Service when a Soldier separates from the USAR, similar to the DD Form 214 or National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service), issued by the Regular Army and the Army National Guard (ARNG), respectively.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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, available military records, the Board determined the applicant enlisted as a cadet on 21 August 2001 with no prior service. Evidence shows the applicant was commissioned in the USAR 04 AUG 2003; the record is absent orders bringing him on active duty. The Board noted the applicant did not complete his officer basic course and found no error on his current DD Form 214. Therefore, the Board denied relief.
2. This board is not an investigative body. The Board determined despite the absence of the applicant's orders records, they agreed the burden of proof rest on the applicant,

however, he did not provide any supporting documentation and his service record has insufficient evidence to support the applicant contentions of a discharge upgrade. show the entirety of his service, including his active-duty service performed in the U.S. Army Reserve (USAR).

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

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CHAIRPERSON
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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, USC, 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 600-8-24, Officer Transfers and Discharges, sets forth the basic authority for the separation of commissioned and warrant officers. Chapter 4 outlines the policy and procedure for the elimination of officers from the active Army for substandard performance of duty, misconduct, moral or professional dereliction, and in the interest of national security. A discharge of honorable, general, or under other than honorable conditions characterization of service may be granted.

3. Army Regulation 635-5 (Separation 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 provided that 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. A DD Form 214 will be prepared for each Soldier as indicated:

a. Active Army Soldiers on termination of active duty by reason of administrative separation (including separation by reason of retirement or expiration of term of service), physical disability separation, or punitive discharge under the Uniform Code of Military Justice;

b. Reserve Component (RC) Soldiers completing 90 days or more of continuous active duty training, Full-Time National Guard Duty, active duty for special work, temporary tours of active duty, or Active Guard Reserve service. Also, RC Soldiers separated for cause or physical disability regardless of the length of time served on active duty;

c. ARNG and USAR Soldiers mobilized under Title 10, USC, Sections 12301(a), 12302, or 12304, and ARNG Soldiers called into Federal service under Title 10, USC, Chapter 15 or Section 12406, regardless of length of mobilization, when transitioned from active duty. A Soldier who reports to a mobilization station and is found unqualified for active duty will be excluded from this provision. He or she will only receive a DD Form 220 (Active Duty Report); and;

d. RC Soldiers completing initial active duty training that results in the award of a military occupational specialty even when the active duty period was less than 90 days. This includes completion of advanced individual training under the ARNG of the U.S. Alternate Training Program or USAR Split Training Program.

//NOTHING FOLLOWS//