

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 October 2023

DOCKET NUMBER: AR20230007957

APPLICANT REQUESTS: in effect, reissuance of his illegible DD Form 214 (Certificate of Release or Discharge from Active Duty) and a personal appearance hearing before the Board.

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

- DD Form 149 (Application for Correction of Military Record)
- a self-authored statement
- Orders D-06-321807, U.S. Army Reserve (USAR) Personnel Command, 10 June 2003
- 1-page screenshot from Veterans Information Solution

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 needs a new DD Form 214 because the form contained in his Official Military Personnel File (OMPF) is unreadable and his foreign service in Tusla, Bosnia is not listed. As an honorably discharged combat veteran he requests an audience with the Pentagon and this Board regarding his service records.
3. His DA Form 5016 (Chronological Statement of Retired Points) and DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States) shows he enlisted in the USAR for a period of 8 years on 5 June 1995. There is no indication of prior active duty service on either document.
4. He entered active duty training (ADT) in military occupational specialty 91B (Medical Specialist) on 28 February 1996.

5. On 17 May 1996, he was released from ADT upon the completion of his period of ADT. The DD Form 214 he was issued shows he was awarded or authorized the Army Service Ribbon. The form further shows in the blocks below what appears to be:

- Block 1 (Name): a misspelling of his first name
- Block 12a (Date Entered Active Duty This Period): "96 02 28"
- Block 12b (Separation Date This Period): "96 05 17"
- Block 12c (Net Active Service This Period): "00 02 20"
- Block 12d (Total Prior Active Service): "00 02 00"
- Block 12e (Total Prior Inactive Service): "00 06 23"
- Block 24 (Character of Service): "Uncharacterized"

6. His OMPF contains:

a. Orders 094-00227 issued by Headquarters, U.S. Army Medical Department Center and School and Fort Sam Houston on 3 April 1996. The orders awarded him MOS 91B effective 17 May 1996.

b. Orders D-06-321807 issued by USAR Personnel Command on 10 June 2003. The orders honorably discharged the applicant from the USAR in the rank/grade of specialist/E4, effective 10 June 2003.

7. The applicant provides a one-page screenshot from Veterans Information Solution which notes his only Guard/Reserve Active Service as from 28 February to 17 May 1996, which is identical to his period of ADT. The screenshot further lists his National Guard and Reserve Service Period as 5 June 1995 to 10 June 2003. There is no evidence of additional active service or combat pay/combat tax exclusion.

8. Army Regulation 635-8 (Separation and Processing and Documents), establishes the standardized policy for preparing and distributing the DD Form 214. Chapter 5 contains guidance on the preparation of the DD Form 214, to include entering awards, foreign service and remarks pertaining to deployment locations and through dates.

9. Army Regulation 15-185 (ABCMR) states an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

BOARD DISCUSSION:

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 contentions, military record, and regulatory guidance. The applicant completed IADT and awarded an MOS. In accordance with current regulation, the applicant would have been issued an honorable discharge upon completion of IADT. In the absence of evidence indicating any other character of service having been directed and, in the interest equity, the Board found that the applicant should be reissued DD214 showing the character of service as honorable.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

- Block 1 (Name): No change
- Block 12a (Date Entered Active Duty This Period): No Change
- Block 12b (Separation Date This Period): No Change
- Block 12c (Net Active Service This Period): No Change
- Block 12d (Total Prior Active Service): No Change
- Block 12e (Total Prior Inactive Service): No Change
- Block 24 (Character of Service): Honorable

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[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. 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 635-8 (Separation Processing and Documents) prescribes policy and procedural guidance relating to transition management. It consolidates the policies, principles of support, and standards of service regarding processing personnel for transition. This regulation explains separation document preparation, distribution, correction, and transition processing specific to the Disability Evaluation System. It also implements Department of Defense Instruction 1336.01.

a. Paragraph 8-1 addresses the rules for alterations and corrections of the DD Form 214 and states, in effect, Soldiers discharged or retired with no military service obligation and have received a DD Form 214 requiring correction, or those who did not receive a DD Form 214 may contact: Commander, U.S. Army Human Resources Command, Human Resources Service Center (AHRC-PDR-V), 1600 Spearhead Division Avenue, Department 420, Fort Knox, KY 40122-5402 or email unencrypted inquiries at usarmy.knox.hrc.mbx.tagd-ask-hrc@mail.mil. On direction of the Army Board for Correction of Military Records or Army Discharge Review Board, or in other instances when appropriate, the following are authorized to issue or reissue DD Forms 214 and DD Forms 215:

- Commanding General, U.S. Army Human Resources Command
- Chief, National Guard Bureau
- Army National Guard State Adjutant General.
- Deputy Assistant Secretary of the Army, Army Review Boards Agency.

b. Chapter 5 contains guidance on the preparation of the DD Form 214, to include entering foreign service and remarks pertaining to deployment locations and through dates:

- block 12f enter the total amount of service performed outside the Continental United States (OCONUS) during the period covered by the DD Form 214, to include deployments. List periods of deployed service in block 18 (Remarks)
- block 18 for an active duty Soldier, list any/all OCONUS deployments completed during the period of the DD Form 214 being created, the statement "Service in (Name of Country Deployed) From (inclusive dates)"

3. Army Regulation 15-185 prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that 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. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. 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.

//NOTHING FOLLOWS//