

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 February 2024

DOCKET NUMBER: AR20230008110

APPLICANT REQUESTS:

- correction to his military records to show he was discharged from the U.S. Army Reserve (USAR) on 26 June 2022
- personal appearance before the Board via video/telephone

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

- DD Form 149, Application for Correction of Military Record
- Order Number: 040141, 25 May 2022
- Travel Itinerary, 6 June 2022
- Orders 22-165-00063, 14 June 2022

FACTS:

1. The applicant states, in effect, that his separation orders incorrectly show he was discharged from the USAR on 21 June 2022. He contends that he did not complete annual training until 26 June 2022; therefore, his orders should be corrected. He also asks that the Board not forward his case to collections to recoup any monies he is believed to own until the until this matter is resolved.
2. The applicant's record shows he enlisted in the USAR on 8 November 2016.
3. Order Number: 040141, 25 May 2022, published by the 79th Theater Sustainment Command, CA, amended the applicant's 16 duty day assignment at Lockwood, CA with a report date of no later than 12 June 2022 to show he was being assigned to an 18 duty day assignment at Fort Hunter Liggett, CA with a report date of no later than 9 June 2022.
4. A travel itinerary shows the applicant was scheduled to depart Casper, WY on 9 June 2022 and arrive in San Luis Obispo, CA on the same day. This itinerary further shows the applicant was scheduled to depart San Luis Obispo, CA on 25 June 2022

and arrive in Casper, WY on the same day. The record is void, and the applicant did not provide a travel voucher related to this duty assignment.

5. Orders 22-165-00063, 14 June 2022, published by Headquarters, 88th Readiness Division, MN, show the applicant was honorably discharged from the USAR on 21 June 2022, under the provisions of Army Regulation 135-178 (Enlisted Administrative Separations). His orders do not specify the reason for his discharge.

a. The Army Human Resources Command maintains a web based Soldier Management System (SMS), which shows the applicant was flagged for APFT failure on 17 January 2029, and that he was involuntarily discharged due to unsatisfactory performance, on 21 June 2022.

b. A Chronological Statement of Points, dated 29 January 2024, shows the applicant's ending date for service ad 20 June 2022.

6. On 6 December 2023, the Chief, Army Service Center, U.S. Army Human Resources Command (AHRC), provided an advisory opinion in this matter. This official stated, in effect, that the applicant's active duty points end on 21 June 2022 as reflected in his discharge orders. The applicant would need to provide a Leave and Earnings Statement to verify any additional points.

7. This advisory opinion was provided to the applicant on 7 December 2023. He did not provide a response by the suspense date.

8. The ABCMR will decide cases on the evidence of record. It is not an investigative body. 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.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the findings and recommendation of the HRC advisory official and the lack of any rebuttal of those findings and recommendations by the applicant, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's military record.

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.

5/15/2024

X

CHAIRPERSON

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 15-185, Army Board for Correction of Military Records, prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.
2. Army Regulation 135-178, in effect at the time, prescribes policies, standards, and procedures to ensure the readiness and competency of the U.S. Army while providing for the orderly administrative separation of Army National Guard of the United States (ARNGUS) and U.S. Army Reserve (USAR) enlisted Soldiers. Readiness is promoted by maintaining high standards of conduct and performance. Chapter 9, Unsatisfactory Performance, states, a Soldier may be discharged when it is determined the Soldier is

unqualified for further military service by reason of unsatisfactory performance. Commanders will initiate separation action only when the Soldier is under military control. Initiation of discharge proceedings is required for Soldiers without medical limitations who have two consecutive failures of the Army Physical Fitness Test unless the responsible commander chooses to impose a bar to continued service. The service of Soldiers discharged because of unsatisfactory performance will be characterized as honorable or general (under honorable conditions).

//NOTHING FOLLOWS//