

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 January 2024

DOCKET NUMBER: AR20230008241

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show he completed 23 years, 8 months, and 26 days vice 17 years, 4 months, and 25 days of prior inactive service.

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), 2 February 2014
- Department of Veterans Affairs (VA) Payment History
- Chronological Statement of Retirement Points, 3 December 2013
- Permanent Disability Retired List (PDRL) Retired Pay calculation Worksheet
- Defense Finance and Accounting Service Retired Pay Certification

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 his years of service are incorrect. He was an activated Reservist with his Reserve unit, 304th Transportation. Box 12e (Total Prior Inactive Service) of his DD Form 214 shows he completed 17 years, 4 months, and 25 days of inactive service. The years of service entry is incorrect. It should be 23 years, 8 months, and 26 days. He appealed his initial VA rating, and it was changed to 100%, dated back to 2 February 2014. His left foot was rated higher than Army rating which would also contribute to CRDP (concurrent military retired pay)/CRSC (combat related special compensation). Also, PTSD (post-traumatic stress disorder) was not given as a direct result of being in a combat zone while being fuel hauler and equipment carrier (88M). The correction should be made because he has been sent back and forth through DFAS, VA, Fort Dix, and the U.S. Army Human Resources to fix. It has deprived him of something he earned when he volunteered to deploy with his Reserve units overseas . Because of his injury on deployment in Fort Bragg, he now has a left foot amputation

and his ability to make money is limited. Correcting the issue would help to improve his quality of life.

3. Review of the applicant's service records shows:

a. He enlisted in the U.S. Army Reserve (USAR) on 7 May 1990. He entered active duty for training from 28 June to 19 September 1991. His DD Form 214 for this period shows he completed 2 months and 22 days of active service.

b. He extended his Reserve enlistment by 6 months each on 6 May 1998 and on 6 November 1998. He then reenlisted in the USAR for 6 years on 26 April 2000 and indefinitely on 4 February 2006.

c. He entered active duty on 1 October 2001, and he was honorably released from active duty on 27 September 2002. His DD Form 214 show she completed 11 months and 27 days of active service this period, and he had 2 months and 22 days of prior active service, for a total of 1 year, 2 months, and 19 days.

d. He entered active duty on 24 January 2003, and he was honorably released from active duty on 3 January 2004. His DD Form 214 for this period shows he completed 11 months and 10 days of active service this period, and he had 2 months and 22 days of prior active service. **[It should have been 1 year, 2 months, and 19 days of prior active service, for a total of 2 years, 1 month, and 19 days. He also served in Iraq from 31 March 2003 to 20 November 2003, but the entry is not listed].**

e. He again entered active duty on 1 December 2009. He served in Iraq from 1 December 2009 to 12 July 2010.

f. On 21 August 2014, an informal physical evaluation board convened and found him unfit for Lett Ankle Degenerative Joint Disease and Ankle Equinus, Right Knee Degenerative Joint Disease, and Bilateral Pcs Planus, Plantar Fasciitis, Foot Strain, and Osteoarthritis. He was assigned a 40% combined disability rating and his disposition was permanent disability retirement. He concurred.

g. On 4 December 2013, Headquarters, Joint Base McGuire-Fort Dix published Orders 338-0005 releasing him from assignment and duty because of physical disability and permanently retiring him for disability effective 2 February 2014 and placing him on the retired list on 3 February 2014 in the grade of staff sergeant/E-6. The retirement order shows:

- Disability retirement: 6 years, 4 months, 1 days
- Section 1405: 9 years, 2 months, 6 days
- Basic Pay: 23 years, 8 months, 26 days

h. He retired on 2 February 2014, and he was placed on the retired list on 3 February 2014. His DD Form 214 for this period shows he completed 4 years, 2 months, and 2 days of active service this period, and he had 2 years, 1 month, and 29 days of prior active service (for a total active service of 6 years, 4 months, and 1 day). This DD Form 214 also show she had 17 years, 4 months, and 25 days of prior inactive service.

[Note, when you add his active service this period plus his prior active service, plus his prior inactive service, they add up to 23 years, 8 months, and 26 days of total service.

4. On 1 November 2023, the U.S. Army Human Resources Command provided an advisory opinion in the processing of this case. An advisory official stated the applicant's DD Form 214, ending on 2 February 2014 is correct as issued based on the provided documents and the documents within his official military personnel file. Each of his DD Forms 214 accounts for different periods of active duty and shows the prior active and inactive time in service in blocks 12c and 12d. The applicant's updated DA Form 5106, Chronological Statement of Retirement Points shows his entire military service career.

5. The applicant was provided with a copy of this advisory opinion to give him an opportunity to submit a rebuttal. He did not respond.

BOARD DISCUSSION:

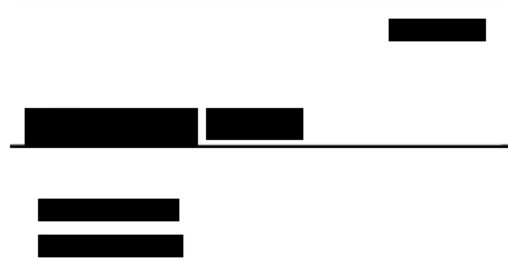
After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant's DD Form 214 ending on 2 February 2014, correctly credited him with 4 years, 2 months, and 2 days of active service this period, and he had 2 years, 1 month, and 29 days of prior active service (for a total active service of 6 years, 4 months, and 1 day). This DD Form 214 also show she had 17 years, 4 months, and 25 days of prior inactive service. When adding his active service this period plus his prior active service, plus his prior inactive service, they add up to 23 years, 8 months, and 26 days of total service. His total service for pay is also correctly reflected on his retirement order. The Board determined no further correction is needed as there is no error or injustice.

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:

Except for the correction addressed in Administrative Note(s) below, the Board found 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.



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.

ADMINISTRATIVE NOTE(S):

The applicant's DD Form 214 for the period 24 January 2003 through 3 January 2004 contains an administrative error. Correct Block 12d, Total Prior Active Service, as follows:

- Delete: 2 months and 22 days of total prior active service
- Add 1 year, 2 months, and 19 days of total prior active service

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 635-5 (Separation Documents), then in effect, [and Army Regulation 635-8 (Separation Processing and Documents) currently in use] prescribes the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214. 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. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214. The specific instructions for Block 12 (Record of Service):

a. Block 12a: Date Entered Active Duty This Period. Data sources are enlistment contract(s), initial order to active duty, active duty order, previously issued DD Forms 214, DA Form 1506 (Statement of Service – For Computation of Length of Service for Pay Purposes), and a complete review of the Soldier's official record. Enter the beginning date of the continuous period of active duty for issuance of this DD Form 214, for which a DD Form 214 was not previously issued. Do not depend on basic active service date for this data item. The basic active service date can be an adjusted date.

b. 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.

c. Block 12c: Net Active Service This Period. Amount of service this period, computed by subtracting block 12a from 12b. Lost time under 10 U.S. Code, section 972 and non-creditable time after ETS, if any, are deducted. Lost time will be listed in block 29; other noncreditable time will be identified in block 18. If Soldier was released from active duty because of voided enlistment, enter "00 00 00."

d. Block 12d: Total Prior Active Service. From previously issued DD Form 214, DD Form 220, DA Form 1506, or Retirement Point Annual Statement, enter total amount of prior active military service less lost time, if any. If not applicable, enter "00 00 00."

e. Block 12e: Total Prior Inactive Service. From previously issued DD Form 214, Retirement Point Annual Statement, DA Form 1506, or Servicemember's record brief, enter the total amount of prior inactive service, less lost time, if any. Inactive Service should be annotated in block 12e, and block 18 as prior inactive service entered in format "0000 00 00."

//NOTHING FOLLOWS//