

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 16 January 2024

DOCKET NUMBER: AR20230008295

APPLICANT REQUESTS correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), ending on 28 June 2015 and his NGB Form 22 (Report of Separation and Record of Service) to show the Meritorious Service Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, June 2014 to June 2015
- NGB Form 22, January 2010 to December 2017
- Certificate and DA Form 638 (Recommendation for Award), Meritorious Service Medal, 1 May 2018

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 he was awarded the Meritorious Service Medal for service from 1 December 2008 to 11 December 2017, after he retired. He wants his DD Form 214 that was issued in 2015 to reflect this award.
3. The NGB Form 22 is a State Army National Guard Form. That is issued and is updated/corrected by the State. The applicant should address any amendments or correction to his NGB Form 22 to The Adjutant General, State of New Jersey. As such, updating his NGB Form 22 will not be discussed further in this Record of proceedings.
4. Review of the applicant's service records shows:
  - a. Having had prior enlisted and commissioned officer service, the applicant enlisted in the New Jersey Army National Guard (NJARNG) on 13 January 2010.

b. He entered active duty for Full Time National Guard Operational Support from 9 October 2012 to 30 September 2013. He was issued a DD Form 214 reflective of this active service, that captured his awards and decorations, and release back to the State ARNG.

c. He again entered active duty in support of Operation Enduring Freedom from 16 June 2014 to 28 June 2015, serving in Qatar from July 2014 to May 2015. He was issued a DD Form 214 reflective of this active service, that captured his awards and decorations, and release to the State ARNG.

d. After his release from active duty, he continued to drill with his ARNG unit and perform battle assemblies.

e. On 10 October 2017, an informal physical evaluation board (PEB) convened and found the applicant's medical conditions of degenerative arthritis and lumbar radiculopathy unfitting. The informal PEB assigned a 50% combined disability rating with his disposition as permanent disability retirement.

f. On 6 November 2017, the U.S. Army Physical Disability Agency published orders releasing him from assignment and placing him on the retired list on 11 December 2017.

g. He was discharged from the ARNG and placed on the disability retired list in his retired grade of staff sergeant/E-6 on 11 December 2017. His NGB Form 22 captured his ARNG service of 7 years, 10 months, and 29 days from on 13 January 2010 to 11 December 2017, together with all his federal and/or state awards.

h. On 9 April 2018, his commander recommended him for award of the Meritorious Service Medal for service from 1 December 2008 to 11 December 2017. The award was approved on 29 May 2018.

i. Permanent Orders Number 121-001, issued by the Joint Force Headquarters, NJARNG, on 29 May 2018, awarded him the Meritorious Service Medal for service from 1 December 2008 to 11 December 2018.

4. 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.

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 applicant's DD Form 214 covers the period 16 June 2014 to 28 June 2015. Permanent Orders issued by the Joint Force Headquarters, NJARNG, on 29 May 2018, awarded him the MSM for service from 1 December 2008 to 11 December 2018. The DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The information entered thereon reflects the conditions as they existed at the time of separation. The MSM was neither recommended nor approved at the time he was released from active duty on 28 June 2015. Therefore, the Board determined its entry on a previously issued DD Form 214 is not warranted.

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, 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 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.

//NOTHING FOLLOWS//