

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 March 2024

DOCKET NUMBER: AR20230008441

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to amend item 26 (Separation Code) from "MBK" to another separation code.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

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:
 - a. He is requesting correction of his DD Form 214 to amend item 26 (Separation Code) because the separation code is incorrect and has caused the 180 day medical coverage to stop in the middle of medical treatment. He needs this to be corrected in order to have the medical coverage reinstated to continue treatment until his retirement and Veterans Affairs (VA) benefits begin.
 - b. He further states that the initiation of the Integrated Personnel and Pay System – Army (IPPS-A) between December 2022 and February 2023 caused an issue in the system and his DD Form 214 was delayed and mailed to him without proper explanation of the coding. He did not know the significance of the separation code until his benefits were terminated.
3. Review of the applicant's service record shows:
 - a. Orders: UI-163-0001, issued by the 316th Sustainment Command (Expeditionary) on 11 June 2020 ordered him to active duty with a report date of 13 August 2020 for a period of 400 days.

b. Orders: MM-1172-00017 issued by Headquarters, U.S. Army Medical Command on 21 June 2021, retained him on active duty for a period of 90 days.

c. Orders: MM-1279-00009 issued by Headquarters, U.S. Army Medical Command on 6 October 2021, retained him on active duty for an additional 179 days.

d. DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), dated 25 July 2022, extended the applicant's expiration term of service (ETS) by 6 months, with a new ETS of 22 May 2023.

e. DA Form 199 (Informal Physical Evaluation Board (PEB) Proceedings) states the PEB convened on 12 December 2022 and found him physically unfit and recommended he be separated with severance pay. On 16 December 2022, the applicant concurred and waived a formal hearing of his case. He did not request reconsideration of his VA ratings and elected to transfer to the Retired Reserve in lieu of being separated for disability with entitlement to disability severance pay or in lieu of being separated without entitlement to disability benefits, as applicable.

f. In a memorandum issued by Headquarters, United States Army Physical Disability Agency, dated 19 December 2022, the applicant will be transferred to the Retired Reserve and will be entitled to apply for retirement benefits upon reaching age 60 in accordance with 10 USC 1209.

g. Orders: MM-1279-00009A03 issued by Headquarters, U.S. Army Medical Command on 12 January 2023, amended Orders: MM-1279-00009 by releasing him from active duty with an effective date of 16 January 2023.

h. On 16 January 2023, he was released from active duty with an honorable characterization of service. His DD Form 214 shows he completed 2 years, 5 months, and 4 days of active service. It also shows a separation code of "MBK."

4. By regulation (AR 635-5), 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.

5. Also by regulation, SPD code "MBK" is assigned to USAR Soldiers who are released from active duty (REFRAD) on completion of required active service or period for which ordered to active duty.

BOARD DISCUSSION:

1. The applicant's contentions, the military record, and regulatory guidance were carefully considered. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted.
2. The majority of the Board members found the evidence of record insufficient to justify changing the applicant's separation code, as there does not appear to be a clear error or injustice.
3. The Board minority agreed that the separation code should not be corrected, but recommended extending the applicant separation date until he can complete his medical treatment, as a matter of compassion.

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.

6/6/2024

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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. 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 (AR) 635-5 (Separation Documents) states:
 - a. 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.
 - b. For block 26 (Separation Code) obtain the correct entry from AR 635-5-1, which provides the corresponding separation program designator code for the regulatory authority and reason for separation.
3. AR 635-5-1 (Separation Program Designator):
 - a. Implements the specific authorities (statutory, regulatory, and Department of Defense (DoD)/Army policy) and reasons for separating Soldiers from active duty. Also, it prescribes when to enter separation program designator (SPD) codes on the DD Form 214.
 - b. SPD codes are three-character alphabetic combinations that identify reasons for, and types of, separation from active duty. The primary purpose of SPD codes is to provide statistical accounting of reasons for separation. They are in-tended exclusively for the internal use of DoD and the Military Services to assist in the collection and analysis of separation data. This analysis may, in turn, influence changes in separation policy.
 - c. As prescribed in Table 2-3 (Enlisted Personnel), SPD code "MBK" is assigned to USAR Soldiers who are released from active duty (REFRAD) on completion of required Active Service or period for which ordered to active duty.
 - d. Title 10, U.S. Code, section 1145(a), provides that a member of a reserve component who is separated from active duty to which called or ordered under section 12304b of this title or provision of law referred to in section 101(a)(13)(B) of this title if the active duty is active duty for a period of more than 30 days is eligible for transitional

healthcare and shall be available for 180 days beginning on the date on which the member is separated from active service.

//NOTHING FOLLOWS//