

IN THE CASE OF: ██████████

BOARD DATE: 9 September 2024

DOCKET NUMBER: AR20230008542

APPLICANT REQUESTS: Correction of his records to show he had sufficient service to qualify for a Department of Veterans Affairs (VA) Certificate of Eligibility (COE) for a home loan.

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 he had requested a COE and it was denied, because he was told that to obtain one you need 6 good years. He requested a Service Point Summary from archive.gov. It only shows points for the time he was in basic training and military occupational specialty training. He does not see any Information from his reserve unit the 349th General Hospital (WSCDAA). He did try to reach out to them but it seems they have been shut down. He attended his reserve drills and does not see points to reflect this. Its preventing him from obtaining a COE for a VA loan.
3. The applicant enlisted in the U.S. Army Reserve (USAR) on 19 June 1989. He entered active duty for training on 29 November 1989, completed training in the military occupational specialties 91B (Medical Specialist) and 91C (Practical Nurse).
4. He was honorably released from active duty for training on 20 June 1991 and transferred to the USAR unit, the 349th General Hospital. His DD Form 214 shows he is credited with 1 year, 6 months, and 22 days of continuous active duty and 5 months and 13 days of prior inactive service.
5. The applicant's available record does not include his enlistment documents or any documentation of his USAR service except his honorable discharge orders (USAR

Personnel Center Orders D-06-745784) discharging him from the USAR Control Group (Annual Training) on 17 June 1997.

6. The VA is the agency that responsible for the issuance of a COE. The program is administered by that agency and governed by their regulations.
7. The applicant's period of service splits two periods that have slightly different requirements for a COE prior to 2 August 1990 and after that date. The minimum active-duty service requirements for both are same except for the required: period of service.

The listed requirements are:

- At least 24 continuous months, or
- The full period (at least 181 days) for which you were called to active duty (pre 2 August 1990 [before 2 August 1990]
- The full period (at least 90 days) for which you were called or ordered to active duty [after 2 August 1990], or
- At least 90 days if you were discharged for a hardship, or a reduction in force, or
- Less than 90 days if you were discharged for a service-connected disability

2. The authority granted by Title 10, U.S. Code, Section 1552 (Correction of Military or Naval Records) is not unlimited. The ABCMR has the authority to correct only Army records. The Board has no authority to correct records created by the Department of Defense, other branches of the Services, Department of Veterans Affairs, or any other governmental agency.

#### 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 entered active duty for training from 29 November 1989 through 20 June 1991 and completed training for award of MOS 91B (Medical Specialist) and 91C (Practical Nurse). His DD Form 214 shows he completed 1 year, 6 months, and 22 days of continuous active duty and 5 months and 13 days of prior inactive service. His subsequent service in the USAR was in an inactive status, not on active duty. The DD Form 214 is a record of continuous active duty. There is no evidence the applicant served another period of active service of 90 or more continuous days that would have warranted the issuance of another DD Form 214. Additionally, the authority to issue a COE is not within the purview of this Board. The VA is responsible for the issuance of a COE. The program is administered by that agency and governed by their regulations. Therefore, the Board determined there is insufficient evidence to grant the applicant the requested relief.

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.

9/9/2024

X [REDACTED]

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CHAIRPERSON

[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. The authority granted by Title 10, U.S. Code, Section 1552 (Correction of Military or Naval Records) is not unlimited. The ABCMR has the authority to correct only Army records. The Board has no authority to correct records created by the Department of Defense, other branches of the Services, Department of Veterans Affairs, or any other governmental agency.

//NOTHING FOLLOWS//