

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 March 2024

DOCKET NUMBER: AR20230008553

APPLICANT REQUESTS: correction of his retirement DD Form 214 (certificate of Release or Discharge from Active Duty) to show his entry date as 19 February 1974 vice 30 December 1977.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 for the period 30 December 1977 to 30 November 1995
- Certification of Military Service for the period 19 February 1974 to 29 December 1977
- Retirement Order, 30 November 1995

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 wants his service dates on his DD Form 214 corrected. In effect, the date of entry shown on his DD Form 214 is incorrect. He entered active duty on 19 February 1974.
3. Review of the applicant's service records shows:
  - a. Having had prior service in the Army National Guard, the applicant enlisted in the Regular Army (RA) for 4 years on 19 February 1974. He was honorably discharged on 30 May 1979, for the purpose of immediate reenlistment in the RA. He completed 4 years, 2 months, and 16 days of active service.
  - b. A DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for this period of service is not available. However, the applicant was later issued a Certification of Military Service for this period of enlistment.

c. He reenlisted in the RA for 3 years on 30 December 1977. He followed that with other immediate reenlistments on 22 October 1980, 5 January 1984, and 5 October 1989.

d. Orders 200-205, issued by Headquarters, III Corps, Fort Hood announced his retirement effective 30 November 1995 and placement on the retired list in the retired grade of first sergeant effective 1 December 1995. The retirement order credited him with 22 years, 1 month, and 17 days.

e. He was honorably discharged on 30 November 1995. He completed 17 years, 11 months, and 1 day of active service during this period and 4 years, 2 months, and 16 days of prior active service, for a total of 22 years, 1 month, and 17 days. The DD Form 214 he was issued at retirement shows in:

- Item 12a (Date Entered Active Duty (AD) This Period), 1977-12-30
- Item 12b (Separation Date This Period), 1995-11-30
- Item 12c (Net Active Service This Period), 17-11-01
- Item 12d (Total Prior Active Service), 04-02-16

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. Chapter 2 contains guidance on the preparation of the DD Form 214. It states for:

- Item 12a, 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
- Item 12b, enter the Soldier's transition/separation date
- Item 12c, enter the amount of service this period, computed by subtracting item 12a from 12b (less time lost)
- Item 12d, enter the total amount of prior active military service less time lost

5. AR 635-5, effective 1 October 1979, was revised. Paragraph 1-4b(5) stated the DD Form 214 will not be prepared for enlisted members discharged for immediate reenlistment in the Regular Army.

6. AR 635-5 also states, do not reissue DD Form 214 to replace record copies or DD Forms 214 lost by service members. If no DD Form 214 is available, issue a statement of service or transcript of military record.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined there is insufficient evidence of an error or injustice. Evidence show the applicant initially enlisted and served from 19 February 1974 to 29 December 1977. The Board determined the applicant's DD Form 214 for the period ending 30 November 1995 captures all of the applicant's time to include in item 12d(Total Prior Active Service) showing 4 years 2 months and 16 days. Evidence show the applicant was issued a certification of military service for the earlier period of service. The Board agreed there is insufficient evidence that warrants correction of his retirement DD Form 214 to show his entry date as 19 February 1974 vice 30 December 1977. Therefore, the Board denied relief.

2. The Army has an interest in maintaining the integrity of its records for historical purposes. The information in those records must reflect the conditions and circumstances that existed at the time the records were created. In the absence of evidence that shows a material error or injustice, there is a reluctance to recommend that those records be changed.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
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:	:	:	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.

3/6/2024
X [REDACTED]
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. Army Regulation 635-5 (Separation Documents), in effect at the time, prescribed 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.

a. Issuance or reissuance of DD Form 214. Do not reissue the DD Form 214, once issued, except when:

(1) Directed by proper appellate authority. Executive Order, or by the Secretary of the Army.

(2) It is determined that the corrections to be made will not fit within the correction block of a single DD Form 215.

(3) Two DD Forms 215 have been issued and an additional correction is required.

(4) The character of service, item 24, is to be changed.

b. Do not reissue DD Form 214 to replace record copies or DD Forms 214 lost by service members. If no DD Form 214 is available, issue a statement of service or transcript of military record.

c. Effective 1 October 1979 was revised. Paragraph 1-4b(5) stated the DD Form 214 will not be prepared for enlisted members discharged for immediate reenlistment in the Regular Army.

d. 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:

- Item 12a, 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
- Item 12b, enter the Soldier's transition/separation date
- Item 12c, enter the amount of service this period, computed by subtracting item 12a from 12b (less time lost)
- Item 12d, enter the total amount of prior active military service less time lost

//NOTHING FOLLOWS//