

IN THE CASE OF: ██████████

BOARD DATE: 14 March 2024

DOCKET NUMBER: AR20230008653

APPLICANT REQUESTS: issuance of a DD Form 214 (Certificate of Release or Discharge from Active Duty) for a period of honorable service from 23 September 1980 to 22 September 1983.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 3340 (Request for Regular Army Reenlistment or Extension)
- Orders 105-822, dated 27 May 1983 (Discharge Orders)
- Permanent Orders 079-26, dated 13 August 1990 (Good Conduct Medal (3rd Award))
- Permanent Orders 083-37, dated 30 August 1990 (Good Conduct Medal Amendment)
- Two associate degrees from Honolulu Community College

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 is requesting a second DD Form 214 for a period of honorable service. He additionally states that he has three Good Conduct Medals and two reenlistments. He says he has been a good American working citizen with no felony convictions. He also states he has completed at least one period of honorable service and he did not receive a DD Form 214 from his initial enlistment.
3. The applicant provides:
 - a. DD Form 3340, dated 11 March 1983, that grants the applicant's request for reenlistment in the Regular Army.

b. Orders 105-822, issued by Headquarters, I Corps and Fort Lewis, dated 27 May 1983, that honorably discharged and reenlisted the applicant for a term of 3 years.

c. Permanent Orders 079-26, issued by 378th Personnel Service Company, dated 13 August 1990, that issued the applicant the Good Conduct Medal (3d Award) for the period of service from 23 September 1987 to 22 September 1990.

d. Permanent Orders 083-37, issued by 378th Personnel Service Company, dated 30 August 1990, that amended Permanent Orders 079-26 pertaining to award of the Good Conduct Medal by changing the period of service, to read "23 September 1986 to 22 September 1989."

e. Two associate degrees from ██████████ College issued to the applicant for Electronics Technology on 11 May 1996 and Automotive Technology on 13 May 2005.

4. A review of the applicant's service record shows:

a. He enlisted in the Delayed Entry Program (DEP) of the United States Army Reserve on 4 February 1980 for a term of 6 years. He entered active duty on 23 September 1980.

b. He reenlisted in the Regular Army on 31 May 1983 for a term of 3 years.

c. He reenlisted in the Regular Army on 23 January 1986 for a term of 6 years.

d. He reenlisted in the Regular Army on 24 January 1990 for a term of 6 years.

e. Permanent Orders 079-26, issued by 378th Personnel Service Company, dated 13 August 1990, issued the applicant the Good Conduct Medal (3d Award) for the period of service from 23 September 1987 to 22 September 1990. Permanent Orders 083-37 amended the award of the Good Conduct Medal (3d award) by changing the period of service, to read "23 September 1986 to 22 September 1989."

f. In a memorandum dated 13 November 1991, the separation authority directed the discharge of the applicant for the good of the service under the provisions of Chapter 10, Army Regulation 635-200 (Personnel Separations – Enlisted Personnel). His characterization of service would be under other than honorable conditions and he would be reduced to the rank of Private/E-1.

g. Orders 256-2, issued by 575th Personnel Service Company, dated 15 November 1991, released him from active duty with an effective date of 27 November 1991.

h. He was discharged for the good of the service – in lieu of court-martial, on 21 November 1991 with an under other than honorable conditions characterization of service. His DD Form 214 shows he completed 11 years, 1 month and 29 days of active service. Item 13 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) shows he was awarded or authorized:

- Army Commendation Medal
- Army Achievement Medal
- Good Conduct Medal (3d Award)
- NCO Professional Development Ribbon with Numeral 2
- Army Service Ribbon
- Overseas Service Ribbon with Numeral 2
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
- Marksman Marksmanship Qualification Badge with Pistol Bar (.38 Cal)
- Marksman Marksmanship Qualification Badge with Machine Gun Bar (M-60)
- Aircraft Crewman Badge

5. The applicant's record was void of the documents pertaining to his separation, except for the separation authority's approval memorandum.

6. AR 635-5 (Separation Documents), in effect at the time, states 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.

7. AR 635-8 (Separation Processing and Documents), currently in effect, states that Block 18 (Remarks) requires the mandatory entry "SOLDIER (HAS) OR (HAS NOT) COMPLETED FIRST FULL TERM OF SERVICE." This information assists the State in determining eligibility for unemployment compensation entitlement. The following guidance will help determine which entry to use:

a. To determine if an enlisted Soldier has completed the first full term of enlistment, refer to the enlistment contract and any extensions to those initial enlistment documents and compare the term of enlistment to the net service in block 12c of the DD Form 214. If Soldier has completed or exceeded the initial enlistment, enter "HAS." If block 12c of the DD Form 214 is less than the Soldier's commitment, enter "HAS NOT."

b. Routinely, a Soldier should not be considered to have completed the first full term of service if separation occurs before the end of the initial contracted period of service. However, if a Soldier reenlists before the completion of that period of service, the first term of service is effectively redefined by virtue of the reenlistment contract.

8. Additionally, for enlisted Soldiers with more than one enlistment period during the time covered by the DD Form 214, enter "IMMEDIATE REENLISTMENTS THIS PERIOD" and specify inclusive dates for each period of reenlistment. For Soldiers who have previously reenlisted without being issued a DD Form 214 and are separated with any characterization of service except "Honorable," enter "Continuous Honorable Active Service From" (first day of service for which DD Form 214 was not issued) Until (date before commencement of current enlistment). Then, enter the specific periods of reenlistment as prescribed above.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found partial relief is warranted.

2. The Board found no regulatory provision that would authorize issuance of a DD Form 214 that only covers the applicant's period of honorable service. However, the Board did note that the applicant's DD Form 214 does not contain currently required administrative entries that document periods of honorable service when the final character of service is less than honorable. The Board determined those entries should now be added to his DD Form 214 as a matter of equity.

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:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by adding the following entries to item 18 of his DD Form 214:

- Soldier has completed first full term of service.
- Continuous honorable active service from 23 September 1980 until 23 January 1990.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to any relief in excess of that described above.

6/25/2024

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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), in effect at the time, states 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.
3. AR 635-8 (Separation Processing and Documents), currently in effect, states that Block 18 (Remarks) requires mandatory entry "SOLDIER (HAS) OR (HAS NOT) COMPLETED FIRST FULL TERM OF SERVICE." This information assists the State in

determining eligibility for unemployment compensation entitlement. The following guidance will help determine which entry to use:

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c. For enlisted Soldier with more than one enlistment period during the time covered by the DD Form 214, enter "IMMEDIATE REENLISTMENTS THIS PERIOD" and specify inclusive dates for each period of reenlistment. For Soldiers who have previously reenlisted without being issued a DD Form 214 and are separated with any characterization of service except "Honorable," enter "Continuous Honorable Active Service From" (first day of service for which DD Form 214 was not issued) Until (date before commencement of current enlistment). Then, enter the specific periods of reenlistment as prescribed above.

//NOTHING FOLLOWS//