

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 February 2024

DOCKET NUMBER: AR20230008746

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show in item 12a (Date Entered Active Duty This Period): 3 July 1973.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 2-1 (Personnel Qualification Record – Part II)
- Immunization Record
- Certificate of Achievement
- Permanent Orders 21-21, dated 9 March 1977

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 it was recently brought to his attention and since he put in the years, he would like to get credit for time served. Also, during his retirement out-processing, he was told that those years would automatically be calculated and to no avail that took place.
3. Review of the applicant's service records shows:
 - a. The applicant's records show he enlisted in the Regular Army (RA) for 3 years on 3 July 1973. He completed training and was awarded military occupational specialty 93F, Field Artillery Meteorological Crewmember.
 - b. He was honorably discharged on 27 July 1976 for the purpose of immediate reenlistment. He was issued a DD Form 214 (Report of Separation from Active Duty) that credited him with 2 years, 10 months, and 25 days of creditable active service during this period.

c. He immediately reenlisted on 28 May 1976. He followed that with subsequent extensions and/or reenlistments in March 1980, March 1982, May 1988, and November 1991.

d. He was honorably retired on 31 January 1995, and he was placed on the Retired List in his retired rank/grade of sergeant first class on 1 February 1995. He completed 18 years, 8 months, and 3 days of active service, with 2 years, 10 months, and 3 days of prior active service for a total of 21 years, 6 months, and 28 days of active service.

e. His DD Form 214, for the period ending 31 January 1995 shows in:

- item 12a (Date Entered Active Duty This Period): 28 May 1976
- item 12c (Net Active Service This Period): 18 years, 8 months, and 3 days
- item 12d (Total Prior Active Service): 2 years, 10 months, and 25 days

f. A DA Form 2339 (Application for Voluntary Retirement) was processed and credited him with 21 years, 6 months, and 28 days of total active service for pay, from 3 July 1973 to 31 January 1995.

4. AR 635-5 (Separation Documents) states the DD Form 214 is a summary of a Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active service at the time of release from active duty, retirement, or discharge. Consolidation of two or more periods of service into one DD Form 214 was/is not authorized. A breakdown of entries in item 12 is as follows:

- item 12a shows the date of the first day of the last immediate reenlistment for which a DD Form 214 was not issued
- item 12b shows the Soldier's transition/separation date
- item 12c shows the total service covered by the DD Form 214, less lost time
- item 12d shows prior active service

5. Effective 1 October 1979, military personnel who were discharged for the purpose of immediate reenlistment were no longer issued a separate DD Form 214.

6. AR 15-185 (ABCMR) states ABCMR members will review all applications that are properly before them to determine the existence of an error or injustice; direct or recommend changes in military records to correct the error or injustice, if persuaded that material error or injustice exists and that sufficient evidence exists on the 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 applicant's contentions, the military record, and regulatory guidance were carefully considered.
2. The Board recognizes the applicant's service began on the date of his contention; however, determined by a preponderance of the evidence that the applicant's DD Form 214, for the period ending 31 January 1995, accurately reflects the applicant's total service period, including his prior active duty service and therefore, does not constitute an error or injustice.

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.

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[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, establishes the standardized policy for preparing and distributing the DD Form 214. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service.

a. The DD Form 214 is a summary of a Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active service at the time of release from active duty, retirement, or discharge. Consolidation of two or more periods of service into one DD Form 214 was not authorized during the periods referenced.

b. Chapter 2 of Army Regulation 635-5 contains guidance on the preparation of the DD Form 214. A breakdown of entries in item 12 is as follows:

- item 12a shows the date of the first day of the last immediate reenlistment for which a DD Form 214 was not issued
- item 12b shows the Soldier's transition/separation date
- item 12c shows the total service covered by the DD Form 214, less lost time
- item 12d shows prior active service

c. Effective 1 October 1979, military personnel who were discharged for the purpose of immediate reenlistment were no longer issued a separate DD Form 214. Item 12 shows the record of service.

//NOTHING FOLLOWS//