

IN THE CASE OF: ██████████

BOARD DATE: 29 February 2024

DOCKET NUMBER: AR20230008790

APPLICANT REQUESTS: reconsideration of his earlier request for issuance of a DD Form 214 (Certificate of Release or Discharge from Active Duty) with issuance of a DD Form 256a (Certificate of Honorable Discharge) and an honorable discharge for his U.S. Army Reserve service.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD: Self-Authored letter in lieu of DD Form 149 (Application for Correction of Military Record), 1 May 2023.

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20220008944 on 4 October 2022.

2. The applicant states, in effect:

a. He requests reconsideration of issuance of a DD Form 256 based on his Army Senior Reserve Officer Training Corps (ROTC) student contract. He received subsistence allowance for the period 20 August 1981 to 31 May 1983, a period of 19 months and 11 days.

b. During this period, he was in school for 4 semesters as an enrolled ROTC Cadet and received checks from the Army. Each semester was 16 weeks and he was in uniform and present for duty twice a week for a total of 128 days during the 19 week period.

c. Consequently, he completed well over 90 days of service, completed his obligation until such time as the Army decided to discharge him. He feels he should be awarded a DD Form 256.

3. A review of the applicant's service records shows:

a. On 3 March 1982, he enlisted in the USAR as an ROTC cadet.

b. In connection with this enlistment and on the same date, he completed a DA Form 597 (Army Senior ROTC Student Contract), with the understanding that in consideration of his enlistment in the USAR Control Group (ROTC) and a monthly subsistence allowance which the Army would pay him during the period of enrollment and satisfactory participation, as a student (cadet) at ██████████ Military Institute he understood, in part:

(1) Persons who become members of an armed force incur by law a military obligation of 6 years, unless previously satisfied or sooner discharged by proper authority.

(2) He would continue in the ROTC for the remainder of his course at the institution, completing prescribed military science courses, ROTC advanced camp and any other directed training as prescribed by the Secretary of the Army.

(3) His enrollment in the ROTC did not commit the Army to his continuance in the program or his appointment as an officer. Such appointment would be dependent upon his meeting requirements for appointment as established by law or regulation.

c. The facts and circumstances leading to a disenrollment from the Senior ROTC program at ██████████ Military Institute are not contained in the available records.

d. On 31 May 1983, the Adjutant, ██████████ Military Institute, First ROTC Region Instructor Group, Senior Division, issued orders 27-1, confirming the verbal orders of the Professor of Military Science, discharging him from the USAR (ROTC) (Standby) component.

e. His records are void of evidence of the issuance of orders placing him on active duty, appointment as a Regular or Reserve commissioned officer, orders for enlisted service in the Regular Army, Reserve component or in a National Guard unit.

4. In ABCMR Docket Number AR20220008944, dated 4 October 2022, the Board found there was no evidence the applicant completed 90 days or more of continuous active service or that he completed his military service obligations for issuance of an Honorable Discharge Certificate.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the regulatory guidance on issuing DD Form 214 for 90 continuous days of active-duty military service and ROTC not qualifying as military service, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's record.

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.

5/20/2024

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. Army Regulation 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

2. Army Regulation 635-5 (Separation Documents), in effect at the time, prescribed the separation documents which were prepared for individuals upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for preparing and distributing DD Form 214 (Certificate of Release or Discharge from Active Duty) and other separation documents listed in Table 1-1.

a. A DD Form 214 would be prepared from all personnel at the time of their retirement, discharge, or release from the Active Army.

b. A DD Form 214 will be prepared:

(1) for Active Army Soldiers on termination of active duty by reason of administrative separation (including separation by reason of retirement or expiration of term of service), physical disability separation, or punitive discharge under the Uniform Code of Military Justice;

(2) Reserve Component Soldiers completing 90 days or more of continuous ADT, Full-Time National Guard Duty, active duty for special work, temporary tours of active duty, or Active Guard Reserve service. Also, RC Soldiers separated for cause or physical disability regardless of the length of time served on active duty;

(3) Army National Guard (ARNG) and USAR Soldiers mobilized under Title 10, U.S. Code, sections 12301 (a), 12302, or 12304, and ARNG Soldiers called into Federal service under Title 10, U.S. Code, chapter 15 or section 12406, regardless of length of mobilization, when transitioned from active duty. A Soldier who reports to a mobilization station and is found unqualified for active duty will be excluded from this provision. He or she will only receive a DD Form 220 (Active Duty Report); and

(4) RC Soldiers completing initial ADT that results in the award of an MOS even when the active duty period was less than 90 days. This includes completion of advanced individual training under the ARNG of the United States Alternate Training Program or USAR Split Training Program.

c. Table 1-1. Authorized Separation Documents. This table provides a DD Form 256A (Honorable Discharge Certificate) will be issued to Commissioned Officers, Warrant Officers, and Enlisted Soldiers upon completion of service obligations.

3. Army Regulation 145-1 (Senior Reserve Officer's Training Corps Program: Organization, Administration, and Training), in effect at the time, prescribed policies and general procedures for administering the Army's Senior Reserve Officers' Training Corps (SROTC) Program.

a. Paragraph 3-43. Disenrollment. A nonscholarship cadet may be disenrolled by the PMS. A scholarship cadet may be disenrolled only by the Commanding General, U.S. Army ROTC Cadet Command. Disenrollment authority does not include the discharge authority for SMP participants. Nonscholarship and scholarship cadets will be disenrolled for the following reasons: to receive an appointment or enter an officer training program other than ROTC, to receive training under Army Medical Department programs; at their own request; because of withdrawal or dismissal from the academic institution; medical disqualification; failure to maintain a minimum semester or quarter cumulative academic GPA of 2.0 on a 4.0 scale; personal hardship; failure to meet Army Weight Control Program or the Army Physical Fitness Test; for being an approved conscientious objector; for being dismissed from advanced camp; barring from appointment as a commissioned officer; misconduct; inaptitude; undesirable character; indifferent attitude; or breach of contract.

b. Paragraph 3-44c. Discharge and separation from the USAR. Upon disenrollment from the ROTC, a cadet assigned to Control Group (ROTC), who is not ordered to active duty or pending such an order and has previously completed a basic training course conducted by a U.S. Armed Force, will be transferred to the IRR if the military service obligation has not been met. A cadet assigned to Control Group (ROTC) who is not ordered to active duty or pending such an order and has no previous military service, or who has not completed a basic training course, will be discharged. The effective date of discharge or transfer will be the date of disenrollment from the ROTC.

//NOTHING FOLLOWS//