

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 February 2024

DOCKET NUMBER: AR20230008859

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) as 24 January 1976 vice 26 January 1979.

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

- DD Form 149 (Application for Correction of Military Record)
- Department of Veterans Affairs (VA) Benefit Information

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 a typing error during is out-processing that went unnoticed for many years. It was discovered during his application for disability.
3. The applicant provides his VA benefit information, which shows, in pertinent part (as highlighted by the applicant) “[t]here may be additional periods of service not listed above.”
4. The applicant enlisted in the Regular Army (RA) on 23 March 1976 for a period of 3 years.
5. He reenlisted in the RA on 26 January 1979. His DD Form 4 (Enlistment or Reenlistment Agreement – Armed Forces of the United States) shows:
 - “Immediate Reenlistment”
 - credits the applicant with 2 years, 10 months, and 3 days of total previous active military service

6. The applicant was honorably discharged for completion of required service on 25 January 1984. The DD Form 214 he was issued for this period of service shows in:

- item 12a (Date Entered Active Duty This Period): 26 January 1979
- item 12b (Separation Date This Period): 25 January 1984
- item 12c (Net Active Service This Period): 5 years
- item 12d (Total Prior Active Service): 2 years, 10 months, and 3 days
- item 18 (Remarks): Reenlistment: 760323 - 790125

7. 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.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was partially warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. The evidence of record shows the applicant enlisted in the Regular Army on 23 March 1976 and he was discharged on 25 January 1979 for immediate reenlistment. He completed 2 years, 10 months, and 3 days from 23 March 1976 to 25 January 1979. He immediately reenlisted on 26 January 1979. At the time, the Army began phasing out the issuance of a separate DD Form 214 for each period of immediate reenlistment. This was implemented by the Army and formalized in the governing regulation that was effective October 1979. As such, when the applicant separated from active duty on 25 January 1984, his DD Form 214 credited him with him with 5 years of active duty between 26 January 1979 and 5 January 1984, as well as 2 years, 10 months, and 3 days for his prior active service.

b. While a change to his entry date on the DD Form 214 is neither appropriate nor warranted, the Board agreed that he should be issued a Statement of service capturing

his honorable service of 2 years, 10 months, and 3 days from 23 March 1976 to 25 January 1979.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : 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 issuing the applicant a Statement of Service for his honorable service, in the rank of E-4 from 23 March 1976 to 25 January 1979.

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 amending the entry date on his DD Form 214.

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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//