

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 March 2024

DOCKET NUMBER: AR20230008897

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): 6 June 1973
- item 12c (Net Active Service this Period): 22 years and 24 days

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

- DD Form 149 (Application for Correction of Military Record), 4 May 2023
- DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 30 June 1995
- DA Form 2-1 (Personnel Qualification Record – Part II)
- DA Form 2A (Personnel Qualification Record)

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 the information in items 12a and 12c of his DD Form 214 are incorrect.
3. On 6 June 1973, the applicant enlisted in the Regular Army. On 18 March 1975, the applicant was discharged for immediately reenlistment. He completed 1 year, 9 months, and 13 days of active service. It is unclear if he was issued a DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge)
5. He immediately reenlisted in the Regular Army on 19 March 1975 in the rank of specialist four/E-4. He also served through multiple reenlistments in a variety of assignments.

6. On 30 June 1995, the applicant was honorably retired. His DD Form 214 shows in:

- Block 12a: 19 March 1975
- Block 12c: 20 years, 3 months, and 12 days
- Block 12d (Total Prior Active Service): 1 years, 9 months, and 13 days

7. By regulation (AR 635-5), the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The information entered thereon reflects the conditions as they existed at the time of separation. It states for:

- Block 12a, enter the date of the first day of the last immediate reenlistment for which a DD Form 214 was not issued
- Block 12b, enter the separation date
- Block 12c, enter amount of service this period (subtract 12a from 12b)
- Block 12d, net active service from 12a to 12b less time lost

BOARD DISCUSSION:

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.

a. The evidence of record shows the applicant initially enlisted in the Regular Army on 6 June 1973 and he honorably discharged on 18 March 1975, for immediate reenlistment. He completed 1 year, 9 months, and 13 days of active service. It is unclear if he was issued a DD Form 214. For clarity, in the absence of a DD Form 214, the Board determined an appropriate Statement of Service should be issued to capture this period of active service.

b. The applicant reenlisted on 19 March 1975, served through multiple reenlistments, and retired on 30 June 1995. His retirement DD Form 214 credited him with 20 years, 3 months, and 12 days (the period covered from his date of reenlistment to date of retirement) as well as 1 years, 9 months, and 13 days, for his initial enlistment, for a total of 22 years and 25 days. The Board found no error or injustice regarding his DD Form 214 as it was completed in accordance with the applicable regulation in effect at the time.

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 6 June 1973 and he honorably discharged on 18 March 1975.

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 (AR) 635-5 (Separation Documents) and AR 635-8 (Separation Processing and Documents) prescribes policy and procedural guidance relating to transition management. The DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The information entered thereon reflects the conditions as they existed at the time of separation.

- Block 12a, enter the date of the first day of the last immediate reenlistment for which a DD Form 214 was not issued
- Block 12b, enter the separation date
- Block 12c, enter amount of service this period (subtract 12a from 12b)
- Block 12d, all service entered will be less time lost under 10 USC 972

//NOTHING FOLLOWS//