

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 February 2024

DOCKET NUMBER: AR20230008924

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show he was discharged on 12 November 1976.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, 1 December 1969
- NGB Form 22 (National Guard Bureau Report of Separation and Record of Service in the Army National Guard (ARNG) of [REDACTED] and as a Reserve of the Army), 12 November 1975

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, in effect, he reenlisted on 12 November 1975 and resigned on 12 November 1976. He took part in the October 1976 call up for the busing riots in Boston. He was stationed at Camp Curtis Guild. He would like to qualify to be buried at the Massachusetts National Cemetery, but his dates are wrong on his DD Form 214.
3. The applicant provides:
 - a. DD Form 214, effective date 1 December 1969.
 - b. NGB Form 22, discharge date 12 November 1975.
4. A review of the applicant's service records show:
 - a. DD Form 4 (Enlistment Contract – Armed Forces of the United States), shows he enlisted in the ARNG of the United States on 12 May 1969 for a period of six years.

b. Special Orders Number 132, issued by the Commonwealth of Massachusetts, Military Division, The Adjutant General's Office, [REDACTED], dated 10 July 1969 shows he was ordered to active duty for training for a period of 25 weeks or upon completion of military occupational specialty training.

c. DD Form 220 (Active-Duty Report), dated 7 August 1969, shows his effective date of entry on active duty and reporting date as 4 August 1969.

d. The applicant was honorably released to the ARNG of Massachusetts on 1 December 1969. His DD Form 214 shows in:

- Item 17c (Date of Entry): 4 August 1969
- Item 11a (Type of Transfer or Discharge): Released from active duty and returned to State Control as a member of the ARNG of Massachusetts to complete remaining service obligation 5 years and 5 months.
- Item 11c (Reason and Authority): Army Regulation 635-200 (Personnel Separations – Separation Documents) SPN 764, Completion of Training
- Item 22a (1) (Net Service This Period): 3 months and 28 days
- Item 22b (Total Active Service): 3 months and 28 days

e. NGB Form 22 shows he was honorably discharged from the ARNG on 12 November 1975. This form shows in:

- Item 5 (Term of Enlistment): 7 years
- Item 21 (Date and Place of Enlistment) 12 May 1969, Chelsea, MA
- Item 26 (Length of Service): 6 years, 6 months, 0 days
- Item 32 (Remarks): Enlisted member no longer has remaining service obligation. Entered active-duty training from 4 August 1969 – 1 December 1969

5. By regulation, 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.

6. By regulation, NGB Form 22 will be prepared for every Soldier being separated from the Army National Guard or released from the custody and control of the military, unless the Soldier is being discharged for the purpose of immediate reenlistment, executes and interstate transfer, or the Soldier dies.

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 Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined there is insufficient evidence to show and error or injustice occurred that supports correction of the applicant's DD Form 214. Based upon the available documentation, the applicant had only one period of active duty service, the remaining military service was in the USARNG. The applicant is informed that USARNG military service is annotated on an NGB Form 22, not DD Form 214. As such, the Board found the dates annotated on the applicant's correct. As such, the Board recommended denying relief..

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.

3/1/2024

X [REDACTED]

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. 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 (Personnel Separations – Separation Documents), in effect at the time, it prescribed the separation documents that would be furnished each individual who was separated from the Army including Active-Duty Training (ADT) personnel and cadets from the U.S. Military Academy.

a. The term “ADT” referred to all periods of active duty for training performed by a member of the Reserve component and of full-time training or other full-time duty performed by a member of the Army National Guard of the United States in his status as a member of the Army National Guard under sections 503, 504, or 505 of title 32, United States Code.

b. A DD Form 214 would be issued at time of separation to each member of the Army National Guard of the United States ordered to perform full-time training or other full-time duty in his status as a member of the Army National Guard for a period of 90 days or more.

(1) For an enlisted person serving on ADT, for item 11a, For ARNGUS trainee who satisfactorily completes active duty for training, "Released to ARNG of _____ (State)." If the enlisted person entered on active duty from the Army National Guard and is being released from active duty prior to the expiration of his enlistment in the Army National Guard, the entry "Released to ARNG _____ State" will apply. Enter in item 30 (Remarks) the period for which released to the Army National Guard.

(2) Item 11d (Effective Date), enter date separation is accomplished.

(3) Item 17c (Date of Entry), enter date entered on active duty or date of enlistment or reenlistment. For ADT personnel, enter date of entry on ADT.

(4) Item 22a (1) (Net Service This Period), enter total service completed between the inclusive dates of the current tour of duty.

(5) Item 22b (Total Active Service), enter total active service the individual has completed beginning with the earliest period of active service up to and including current period of active duty, less any period served in the Army National Guard of the United States or United States Army Reserve not on active duty.

3. National Guard Regulation 600-200 (Personnel – General Enlisted Personnel Management), Chapter 6, currently in effect, sets the policies, standards, and procedures for the separation of enlisted Soldiers from the Army National Guard/Army National Guard of the United States.

a. Paragraph 6-17 states, prepare NGB Form 22 (Report of Separation and Record of Service) for every Soldier being separated from the Army National Guard or released from the custody and control of the military, unless the Soldier is being discharged for the purpose of immediate reenlistment, executes and interstate transfer, or the Soldier dies.

b. Item 4 (Date of Enlistment), it states it is self-explanatory – from the latest DD Form 4.

c. Item 8b (Effective Date), Expiration Term of Service or effective date of discharge order.

//NOTHING FOLLOWS//