

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 April 2024

DOCKET NUMBER: AR20230009420

APPLICANT REQUESTS:

- correction of his DD Form 214 (Report of Separation from Active Duty) to show additional service credit with different dates of service
- a telephonic hearing with the Board

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

- DD Form 149 (Application for Correction of Military Record), 6 June 2023
- memorandum, Office of the Adjutant General, Military Department of Arkansas, dated 2 August 1978
- memorandum, Headquarters (HQ), U.S. Army Signal Center and Fort Gordon, dated 18 November 1978 (Reason for Separation)
- DD Form 214, 18 November 1978
- NGB Form 22 (Report of Separation and Record of Service), 19 March 1981
- ARBA letter, dated 1 November 2023

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, the service dates and service credit are incorrect and do not give him proper service credit. He needs these items corrected for home loan eligibility. He received a foot injury in while training and when he returned to his unit, he had surgery. He was discharged in 1981 because of his foot injury.
3. The applicant's complete service records are not available for review. The applicant provided copies of his separation documents sufficient for Board review of his requests.
4. A review of the applicant's service records shows:

a. On 30 June 1978, he enlisted in the Arkansas Army National Guard (ARARNG) and as a Reserve of the Army, under the Reserve Component Reserve Enlistment Program (REP 1963).

b. On 2 August 1978, the Office of the Adjutant General, Military Department of Arkansas, ordered him to active duty for training (ADT) at Fort Gordon, GA, for Advanced Individual Training (AIT), with a reporting date of 25 August 1978.

c. Orders issued by HQ, U.S. Army Signal Center, Fort Gordon, dated 18 November 1978, released him from Initial ADT by reason of completion of military occupational specialty (MOS) training. The regulatory or statutory authority for his separation from ADT was paragraph 5-15, Army Regulation 635-200 (Personnel Separations – Enlisted Personnel).

d. On 18 November 1978, he was honorably released from ADT by authority of Army Regulation 635-200, paragraph 5-15; and transferred to control of Headquarters and Headquarters Company, 2nd Battalion, 153rd Infantry, Searcy, Arkansas. His DD Form 214 shows in:

(1) Item 9a (Type of Separation) – Relief from ADT.

(2) Item 18 (Record of Service):

- Item 18a (Net Active Service This Period) – 2 months and 24 days
- Item 18b (Prior Active Service) – none
- Item 18c (Total Active Service (a and b)) – 2 months and 24 days
- Item 18d (Prior Inactive Service) – 1 month and 25 days
- Item 18e (Total Service for Pay (c and d)) – 4 months and 19 days

e. On 19 March 1981, he was honorably discharged from the ARARNG. His NGB Form 22 shows in:

(1) Item 8a (Authority and Reason) – National Guard Regulation 600-200 (Enlisted Personnel Management), paragraph 7-9u.

(2) Item 8c (Effective Date) – 19 November 1981.

(3) Item 10 (Command to Which Transferred) – NA (none).

(4) Item 11 (Record of Service):

- Item 11a (Net Service This Period) – 2 years, 8 months, and 20 days
- Item 11b (Prior Service) – none

- Item 11c (Total Service for Pay) – 2 years, 8 months, and 20 days

(5) Item 19 (Remarks) – in part:

- Date entered enlistment for this period 30 June 1978
- IADT 25 August 1978 to 18 November 1978

**BOARD DISCUSSION:**

1. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

2. 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. The applicant served in the ARNG from 30 June 1978 to 19 March 1981. He was issued an NGB Form 22 that captured his ARNG service. This form is issued by the State ARNG. Any errors in his entry date, separation date, or total ARNG service should be addressed to the State ARNG. Also, during his ARNG service, the applicant entered active duty for training from 25 August 1978 to 18 November 1978, resulting in the issuance of a DD Form 214 capturing his 2 months and 24 days of active service. The DD Form 214 is a record of continuous active service. Board did not find evidence the applicant served another period of active duty of at least 90 days or more that would have necessitated the issuance of another DD Form 214.

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.

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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 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.

a. 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.

b. The ABCMR may, in its discretion, hold a hearing (sometimes referred to as an evidentiary hearing or an administrative hearing) or request additional evidence or opinions. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. Army Regulation 635-200 (Personnel Separations - Enlisted Personnel) in effect at the time, 21 November 1977, provided the authority for separation of enlisted personnel upon expiration of terms of service (ETS), prior to expiration of ETS to meet the needs of the Service and its members, the procedures for implement of laws and policies governing voluntary retirement of enlisted personnel, and the criteria for issuance of honorable , general, and under other than honorable conditions discharge certificates.

a. Section III. Character of Service. Paragraph 1-11. General Considerations. General considerations. The type of discharge and character of service are of great significance to the soldier and must accurately reflect the nature of service performed. Eligibility for veterans' benefits provided by law, eligibility for reentry into service, and acceptability for employment in the civilian community may be affected by these determinations. The type of discharge and character of service will be determined solely by the military record during the current enlistment or period of service, plus any extension thereof, from which the soldier is being separated.

b. Paragraph 5-15. Reserve Component personnel ordered to IADT under Reserve Enlistment Program (REP 63). Commanders of training installations are authorized to release Reserve component personnel ordered to IADT under REP 63 upon completion of MOS training when training is completed prior to the period of time specified in IADT orders provided a minimum period of 12 weeks IADT has been completed.

4. Army Regulation 635-5 (Separations Documents), Change 1, in effect on 15 July 1978, prescribed the separation documents that would be prepared for individuals upon retirement, discharge, or release from active military service. The Military Personnel Records Jacket, US Army (MPRJ), Official Military Files (OMPF), DA Forms 2 and 2-1 are the basic source documents for preparing DD Form 214 WS (Worksheet). Personnel officers should review all available documents.

a. A DD Form 214 would be furnished at the time of separation to each member of the Regular Army.

b. In item 18 (Record of Service), all service shown in 18(a) through 18(e) will be less time lost under Title 10, USC Section 972 and time lost subsequent to expiration of term of service.

5. National Guard Regulation 600-200 (Enlisted Personnel Management) in effect at the time, was applicable only to the Army National Guard and was binding on all levels of command that exercised procurement and administration of enlisted ARNG personnel actions. This regulation prescribed the policies, criteria, and procedures that apply to procuring and retaining enlisted personnel for the ARNG; established and maintained personnel records; and actions involving personnel management from date of procurement to date of separation or discharge.

a. Paragraph 7-9. Concurrent discharge from ARNG and as a Reserve of the Army. An enlisted member discharged for any of the following reasons from the ARNG of the State will be concurrently discharged from his enlistment or reenlistment as a Reserve of the Army.

b. Paragraph 7-9u. Incompatible occupation. Sufficient documentation will be submitted to support undue and genuine hardship conflict caused by membership in the ARNG and civilian occupation.

//NOTHING FOLLOWS//