ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ▮▮▮▮▮▮▮

BOARD DATE: 5 April 2024

DOCKET NUMBER: AR20230009484

APPLICANT REQUESTS: correction of the below block of his DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 20 August 1983, to show:

- block 12a (Date Entered Active Duty This Period): 8 July 1977
- block 12c (Net Active Service this Period): 8 years and 1 month

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214

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:

   a. The Retirement Services Office stated block 12a of his DD Form 214 needs to be corrected to show 8 July 1977 vice 21 May 1980. Block 12a shows his extension date of 21 May 1980, and block 18 (Remarks) shows his reenlistment date of 8 July 1977. He extended to bring his wife to Germany and get housing.

   b. His total years served should be changed to 8 years and 1 month vice 5 years and 3 months. This can be verified by looking at block 11 (Primary Specialty), block 12c (Net Active Service this Period), block 12d (Total Prior Active Service), and block 18.

3. The applicant has prior active service time. He was issued a DD Form 214 that shows he enlisted in the Regular Army on 15 October 1974 and he was honorably released from active duty on 14 October 1976. During this period, he completed 2 years of active service and 7 days of inactive service.

1

4. A DD Form 4 (Enlistment or Reenlistment Agreement) shows on 6 July 1977, he enlisted in the U.S. Army Reserve (USAR).

5. A DD Form 4/1 (Enlistment or Reenlistment Document) shows his immediate reenlistment on 21 May 1980.

6. Orders 124-4, dated 21 May 1980, shows the applicant was discharged from the Regular Army, effective 20 May 1980. Having enlisted/reenlisted this date for 3 years.

7. On 20 August 1983, the applicant was honorably discharged from the Regular Army. His DD Form 214 shows in:

- Block 11: 63B10 Light Wheel Vehicle/Power Generation Mechanic, 8 years and 1 month
- Block 12a: 21 May 1980
- Block 12c: 3 years and 3 months
- Block 12d: 4 years, 10 months, and 13 days
- Block 18: immediate reenlistment for this period 770708-800520, extension of service was at the request and for the convenience of the government

8. His DA Form 4836 (Oath of Extension of Enlistment or Reenlistment), dated 4 October 1988, shows the applicant's enlistment in the Army National Guard, effective 13 October 1984.

9. Orders 101-073, dated 25 May 1989, shows the applicant was discharged from the Army National Guard and as a Reserve of the Army, effective 31 May 1989.

10. The applicant's DA Form 2-1 (Personnel Qualification Record) shows in item 35 (Current and Previous Assignments):

- from 7 October 1974 to 14 October 1974, his service in the USAR, not on active duty
- from 15 October 1974 to 14 October 1976, his service in the Regular Army
- from 15 October 1976 to 20 May 1980, his service in the USAR Career Group, not on AD
- from 21 May 1980 to 20 August 1983, his service in the Regular Army
- on 13 October 1984, his enlistment in the Army National Guard
- on 31 May 1989, his honorable discharge from the Army National Guard

BOARD DISCUSSION:

1. The applicant's contentions, the military record, and regulatory guidance were carefully considered. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted.

2. The evidence of record shows:

    a. The applicant enlisted in the United States Army Reserve (USAR) on 7 October 1974 and he remained in an inactive status through 14 October 1974. On 15 October 1974, he entered active duty and served in an active duty status until his honorable release from active duty and return to USAR Control Group (Annual Training), on 14 October 1976. The DD Form 214 he was issued shows, he completed 2 years of net active service during the period covered, of which, 7 days were credited as prior inactive service. This service is properly reflected on his DD Form 214.

    b. On 6 July 1977, the applicant enlisted in the USAR; he served as an enlisted Reserve Soldier until his discharge form the USAR on 20 May 1980. He was not issued a DD Form 214 to cover this period because he did not serve on active duty for a period long enough to justify the issuance of a DD Form 214.

    c. On 21 May 1980, the applicant enlisted in the Regular Army. He served on active duty in the regular Army until his honorable discharge on 20 August 1983. The DD Form 214 he was issued shows: he completed 3 years and 3 months of net active service this period; he had 4 years, 10 months, and 13 days of prior active service, and 9 months of total prior inactive service. This service is properly reflected on his DD Form 214.

    d. The evidence shows the applicant enlisted in the Utah Army National Guard on 13 October 1984 and extended his enlistment on at least 3 occasions, the last extension occurred on 4 October 1988, when he extended his expiration term of service to 12 October 1991.

    e. He was discharged from the Utah Army National Guard and as a Reserve of the Army, via official orders, on 31 May 1989.

3. There is no error or injustice for the Board to address. The applicant completed 2 distinct periods of active duty service which required the issuance of a DD Form 214; both were properly captured on a DD Form 214. The first period was from 15 October 1974 to 14 October 1976, and covered a period of 2 years. The second period was from 21 May 1980 to 20 August 1983, and covers a period 3 years and 3 months.

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.

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 11, enter the primary MOS or AOC served for a period of one year or more, during soldier's continuous active military service
- 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 this period
- Block 12c, enter amount of service this period (subtract 12a from 12b)
- Block 12d, enter total amount of prior military service less loss time, if any. If there was no prior active service enter 00 00 00
- Block 18, use this block for entries required by HQDA for which a separate block is not available and for completing entries that are too long for their blocks. Make the following entries if applicable: Enter list of reenlistment periods for which a DD form 214 was not issued

//NOTHING FOLLOWS//