

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 December 2024

DOCKET NUMBER: AR20230009593

APPLICANT REQUESTS: an update of his DD Form 214 (Certificate of Release or Discharge from Active Duty), 1 July 1984, to show his U.S. Military Academy (USMA) service.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Associate Dean Letter, 14 June 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 he would like his DD Form 214 to reflect his entire time of service to include time at the USMA West Point. This correction should be may so that he may use benefits and apply for a Veterans Administration loan and so that his heirs will have an accurate record. In effect, he was delayed sending his application because he assumed he could take care of this when it became necessary.
3. The applicant provides a letter from Associate Dean for Academic Affairs and Registrar Service, JBD___, 23 June 2023 that certifies that the applicant was in attendance as a cadet at the USMA. He entered on 2 July 1984 and departed on 27 May 1986.
4. Review of the applicant's service records show:
 - a. DD Form 4 (Enlistment/Reenlistment Document-Armed Forces of the United States) shows the applicant enlisted in the Regular Army on 27 July 1982. He completed basic combat training and advanced individual training and was awarded the military occupational specialty 13B (Cannon Crewman).

b. DD Form 2-1 (Personnel Qualification Record) shows in:

- item 17 (Civilian Education and Military Schools) he was in the USMA Preparatory School, he completed the school in 1984
- item 38 (Record of Assignments) he was a Student Cadet Candidate at the USMA Prep School in Fort Monmouth, NJ on 7 August 1983
- he was a Student Cadet on 2 July 1984 at the USMA West Point, NY

c. He was honorably released from active duty on 1 July 1984 and transferred to the U.S. Army Reserve (USAR). His DD Form 214 for this period shows he was released to enter the service academy. He completed 1 year, 11 months, and 25 days net active service. His DD Form 214 shows in item 14 (Military education) USMA Preparatory School, 42 weeks (June 1984).

d. Orders 54-93, 22 March 1985 released the applicant from active duty on 1 July 1984, not by reason of physical disability and assigned him to the U.S. Army Reserve (USAR).

e. Memorandum, Subject: Transmittal of Records, 23 June 1986 shows the applicant was an ex-cadet separated from the U.S. Corps of Cadets and discharged from the U.S. Army without a Reserve Obligation on 17 June 1986.

f. The applicant's record is void of information regarding the applicant's separation process.

5. Army regulation (AR) 635-5 (Separation Documents) provides 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.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant served on active duty as an enlisted member from 27 July 1982 to 1 July 1984, during which he attended the USMA Preparatory School. He was released from active duty as an enlisted member, to attend the USMA as a cadet. According to his service record he was enrolled as a cadet from 2 July 1984 to on or about 17 June 1986. The facts and circumstances surrounding his separation are not available for review. There are no documents that explain why he was separated and what character of service he received.

a. His DD Form 214 covering the period 27 July 1982 to 1 July 1984 is correct as constituted because it captures his enlisted service. Any subsequent service either as a cadet or a commissioned officer would not be reflected on this DD Form 214. The Board found no error or injustice in this DD Form 214.

b. His subsequent service as a USMA cadet from 2 July 1984 to 17 June 1986 was or should have been documented on a separation document. Unfortunately, such document is not available. Also unfortunately, the facts and circumstances surrounding his separation are not available, and the applicant does not provide sufficient documentary evidence to establish what led to his separation. Nevertheless, the Board also noted that the Army also had a responsibility to document/file this period of service and maintain an accurate accounting of his record. Despite the absence of any indication of his character of service, the Board determined that the absence of a separation document that captured his USMA cadet service is an injustice. Therefore, the Board determined he should be issued a Statement of Service that reflects honorable service between 2 July 1984 to 17 June 1986.

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 him a Statement of Service to reflect honorable service from 2 July 1984 to 17 June 1986.

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 his enlisted DD Form 214 for the period 27 July 1982 to 1 July 1984.

[REDACTED]

[REDACTED]

[REDACTED]

[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 (AR) 635-5 (Separation Processing and Documents), in effect at the time, prescribes the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active-duty service or control of the Active Army states:
 - a. Do not reissue DD Form 214 to replace record copies or DD Forms 214 lost by service members.
 - b. If no DD Form 214 is available, issue a statement of service or transcript of military record.
 - c. 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.

//NOTHING FOLLOWS//