

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 December 2024

DOCKET NUMBER: AR20230009605

APPLICANT REQUESTS:

- to receive active-duty service credit for the period he was in the Reserve Officers' Training Corps (ROTC)
- a video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 31 January 1974
- DD Form 215 (Correction to DD Form 214)
- Honorable Discharge Certificate
- Certificate of Training, ROTC Basic Camp, 11 June 1967 to 22 July 1967

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 when he was separated on 1 February 1974 due to a reduction in force (RIF) his last 2 years in senior ROTC at Seattle University, WA, was not counted as part of his total service which would have qualified him for \$10,000.00 separation payment to officers that had five plus years of total service. Individuals serve in the U.S. Army Reserve (USAR) for the last 2 years of ROTC, and hold a USAR ID card, and are cleared by the Federal Bureau of Investigation (FBI) for Secret clearance. The last 2 years in ROTC should count as part of the total service time. This would bring his total service time to 6 years, 5 months, and 16 days and would have qualified him for the separation compensation.

3. The applicant provides:

a. His Honorable Discharge Certificate from the U.S. Army, 14 August 1969.

b. Certificate of training, that certifies the applicant successfully completed the six-week 1967 ROTC Basic Camp given at U.S. Army Training Center, Infantry, Fort Benning, GA for the period 11 June 1967 to 22 July 1967.

4. A review of the applicant's service record shows:

a. DA Form 71 (Oath of Office Military Personnel), he was appointed as a Reserve commissioned officer on 15 August 1969 in the rank of second lieutenant.

b. DA Form 66 (Officer Qualification Record) shows in:

- item 16 (Civilian Education and Military Schooling):
Seattle University, WA 4 years, 1969
U.S. Army Infantry School, 9 weeks, 1969
U.S. Army Infantry School, 5 weeks, 1969
- item 17 (Foreign Service) service in Vietnam from 29 December 1971 through 25 November 1972
- item 18 (Record of Assignments) USAR from Senior ROTC, 15 August 1969

c. Letter Orders Number A-07-1164, 28 July 1969 ordered the applicant to active duty for approximately 9 weeks to attend Infantry Officer Basic.

d. DD Form 220 (Active-Duty Report) shows the applicant's entry onto active duty of 15 August 1969 and report date of 24 August 1969.

e. Request for Retention of Service, 26 September 1969 shows the applicant requested retention after completion of his current obligated tour which expired 14 August 1971.

f. Training certificate, 17 April 1970 shows the applicant had successfully completed the officer's course.

g. Memorandum, Subject: Correction to DD Form 220, 21 May 1970 shows the applicant entered on extended active duty on 18 August 1969.

h. Memorandum, Subject: Voluntary Indefinite Service Agreement, 13 August 1971 shows the applicant desired to remain on active duty in a voluntary indefinite status beyond his initial period of obligated service.

i. Memorandum, Subject: Retention of Commissioned Officer, 11 June 1973 shows the opinion of the Deputy, Director, Army wide Training Support Division that the applicant was an exceedingly competent officer with a far greater potential than his contemporaries. He has the initiative, enthusiasm, and drive that an all-volunteer Army needs to meet the demanding tasks in the future. The information was present in the hope that further consideration for retention be taken for the applicant.

j. The applicant was honorably released from active duty on 31 January 1974 and transferred to the U.S. Army Reserve (USAR). His DD Form 214 (Report of Separation from Active Duty) shows he completed 4 years, 5 months, and 14 days of active service.

k. Orders 6-2, 5 February 1977, reassigned him for the convenience of the government to Los Angeles, CA with an effective date of 7 February 1977.

l. Orders C-06-723029, 16 June 1997 assigned the applicant to the Retired Reserve with an effective date of 1 September 1997.

m. DD Form 215, 29 September 2003 added the Combat Infantryman Badge to his DD Form 214.

n. DA Form 5016 (Chronological Statement of Retirement Points), 27 September 2023 shows 14 years qualifying service for retirement and 2542 total points creditable.

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.

6. By regulation, (AR 15-185), the ABCMR may, in its discretion, hold a 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.

BOARD DISCUSSION:

1. 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 request and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's request and available military records, the Board determined there is insufficient evidence to support the applicant's

contentions to receive active-duty service credit for the period he was in the Reserve Officers' Training Corps (ROTC). The Board noted, based on regulatory guidance cadets who are members of the ARNG or USAR and who are later commissioned through ROTC will not be: (1) Credited with Reserve Component service when computing length of service for any purpose for the period while enrolled in the advanced ROTC course (Title 10, US Code, Section 2106) or (2) Credited with Reserve Component service in computing length of service for basic pay entitlement for the period while enrolled in the advanced ROTC course (Title 37, US Code, Section 205). In accordance with regulatory guidance, the Board denied relief.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, 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.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XXX	XXX	XXX	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.

X //SIGNED//

CHAIRPERSON

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 145-1 (Senior Reserve Officers' Training Corps Program: Organization Administration and Training), prescribes policies and general procedures for administering the Army's SROTC Program. Paragraph 3-15 (Enlistment in the USAR) states except as provided for the Simultaneous Membership Program (SMP), enlistment in the USAR for assignment to USAR Control Group (ROTC) is a requirement in the advanced course or in the scholarship program.
 - a. Such enlistment will be made in the grade of cadet. It further states cadets will retain this grade as an enlisted grade in the USAR (separate from any grade held in the corps of cadets at the school) regardless of any prior military service performed or grade advancement policies applicable to enlisted status. This assignment is for control purposes only and entitlements for Reserve forces do not apply. On transfer to other than USAR Control Group (ROTC) or order to active duty in an enlisted status, applicable grade determination policies govern.

b. Paragraph 3-17 (Army ROTC/SMP) explains cadets who are members of the ARNG or USAR and who are later commissioned through ROTC will not be:

(1) Credited with Reserve Component service when computing length of service for any purpose for the period while enrolled in the advanced ROTC course (Title 10, US Code, Section 2106).

(2) Credited with Reserve Component service in computing length of service for basic pay entitlement for the period while enrolled in the advanced ROTC course (Title 37, US Code, Section 205).

3. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. 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 or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that 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.

4. 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. 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//