

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 April 2024

DOCKET NUMBER: AR20230009635

APPLICANT REQUESTS: issuance of a separate DD Form 214 (Certificate of Release or Discharge from Active Duty) that reflects his basic training from 10 June to 9 August 1985.

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

- DD Form 149 (Application for Correction of Military Record)
- NGB Form 22 (National Guard Bureau - Report of Separation and Record of Service)

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 enlisted in the [REDACTED] Army National Guard ([REDACTED] ARNG) in September of 1984. He attended active-duty basic training on June 10, 1985, and was discharged after graduation on August 9, 1985, but he did not receive a DD Form 214. The following year, he attended active-duty AIT (advanced individual training) on October 17, 1986, and was discharged after graduation in December 1986. He did receive a DD Form 214 for that time period.

a. The VA does not reflect his basic training time-period as active-duty military service. Although the VA has his NGB Form 23 (Retirement Credit Record) in his claims file that reflect both his active duty 1985 basic training and 1986 AIT dates as active-duty military training, it has failed to update its system to include his 1985 basic training time-period as active duty military, even when request to do so. He needs a DD Form 214 created to reflect his June to August 1984 active-duty basic training.

b. Normally, active-duty basic training and AIT occur in successively. When this occur, only one DD 214 is generated. However, because his basic training and AIT occurred over year apart, he was discharged active duty for training before he

completed AIT. For whatever reasons, a DD Form 214 was not generated for him after basic training. Unfortunately, this has led to inconsistency in the handling of his VA claims. In fact, one claim was denied based solely on the fact that basic training was not considered active-duty military training, even when the VA adjudicator received a copy of the NGB Form 23 which clearly indicated that basic training was active duty for training. Presumably, it is much easier for the VA personnel to acknowledge a DD Form 214 as verification of active military service. Therefore, he is requesting a DD Form 214 to be generated or created to reflect his June 10 to August 9, 1985, basic training dates, especially for VA purposes.

3. Review of the applicant's service records shows:

a. He enlisted in the ■■■ ARNG on 26 September 1984, under the Split Training Program. [This program allows 17-year-olds, with parental consent, to join the USAR/ARNG as a junior in high school. The junior attends weekend drills once a month and attends basic combat training after completion of the school year. During their senior year, the Soldier will continue to attend weekend drills and once the senior graduates from high school, they will attend Advanced Individual Training and train for their job in the USAR or ARNG].

b. He was ordered to active duty, by authority of Orders 19-45, ■■■ ARNG, dated 28 May 1985, beginning on 10 June 1985. He completed basic combat training at Fort Sill, OK. He was released from active duty to the control of the State ARNG on 9 August 1985. He completed 2 months of active service. A DD Form 214 was neither authorized nor issued for basic combat training.

c. He was ordered to active duty for training (ADT) on 17 October 1986. He completed training for award of military occupational specialty 13F, Fire Support Specialist. He was released from ADT to the control of the State ARNG on 19 December 1986 due to completion of his required active service.

d. He was issued a DD Form 214 that credited him with 2 months and 3 days of active service. This DD Form 214 shows in:

- Block 12d (Total Prior Active Service): See item 18
- Block 18 (Remarks) DD Form 215 (Correction to DD Form 214) will be issued to provide missing information
- Block 24 (Character of Service) Entry Level Status

e. On 23 February 1987, ■■■ ARNG published Orders 5-1 awarding his MOS 13F, effective 15 December 1986 and assigning him to Headquarters and Headquarters Battery, 1st Battalion, 117th Field Artillery.

f. After his release from ADT and return to his ARNG unit (1st Battalion, 117th Field Artillery), separation action was initiated against him for unsatisfactory participation.

g. He was discharged from the ARNG on 5 May 1989 and transferred to the USAR Control Group (Reinforcement). His NGB Form 22 (Report of Separation and Record of Service) shows he completed 4 years, 7 months, and 10 days of ARNG service.

h. He was honorably discharged from the USAR on 25 September 1992 at the completion of his mandatory statutory obligations.

4. By regulation (AR 635-5), Reserve Component (RC) Soldiers completing initial ADT that results in the award of a military occupational specialty, even when the active-duty period was less than 90 days. This includes completion of advanced individual training under the ARNG/USAR Alternate Training Program or Split Training Program.

5. By regulation (AR 635-8),

a. A DD Form 214 will be prepared for RC Soldiers completing active duty that results in the award of an MOS, even when the active-duty period was less than 90 days (for example, completion of the advanced individual training component of ARNG Alternate Training Program or USAR Split Training Program).

b. When a RC Soldier successfully completes initial active duty training the character of service is Honorable unless directed otherwise by the separation approval authority.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was 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 sufficient evidence to support correction to the applicant's DD Form 214 to reflect his basic training from 10 June to 9 August 1985. Evidence shows the applicant completed his basic training through the split option program for his reserve unit. Based on this, the Board granted relief

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending the applicant's DD Form 214 to read in

- Block 12d (Total Prior Active Service): Add 0000-02-00
- Block 24 (Character of Service) Honorable

5/14/2024

X █

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.

ADMINISTRATIVE NOTES: N/A

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 (Separation Documents) establishes the standardized policy for preparing and distributing the DD Form 214. The DD Form 214 is a summary of a Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active duty service at the time of release from active duty, retirement, or discharge, and is not intended to have any legal effect on termination of a Soldier's service. A DD Form 214 will be prepared for each Soldier as indicated:

a. Active Army Soldiers on termination of active duty by reason of administrative separation (including separation by reason of retirement or expiration of term of service), physical disability separation, or punitive discharge under the Uniform Code of Military Justice.

b. Reserve Component (RC) Soldiers completing 90 days or more of continuous active duty for training (ADT), Full-Time National Guard Duty, active duty for special work, temporary tours of active duty, or Active Guard Reserve service. Also, RC Soldiers separated for cause or physical disability, regardless of the length of time served on active duty.

c. Army National Guard (ARNG) and USAR Soldiers mobilized under Title 10, U.S. Code, sections 12301(a), 12302, or 12304, and ARNG Soldiers called into Federal service under Title 10, U.S. Code, chapter 15, or section 12406, regardless of length of mobilization, when transitioned from active duty. A Soldier who reports to a mobilization station and is found unqualified for active duty will be excluded from this provision; and

d. RC Soldiers completing initial ADT that results in the award of a military occupational specialty, even when the active duty period was less than 90 days. This includes completion of advanced individual training under the ARNG of the United States Alternate Training Program or the USAR Split Training Program.

3. Army Regulation 635-8 (Separation Processing and Documents), currently in effect, prescribes policy and procedural guidance relating to transition management. Specifically, it references instruction related to the preparation of the DD Form 214. The DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active duty service at the time of release from active duty, retirement, or discharge.

a. Paragraph 5-1f states that a DD Form 214 will be prepared for Reserve Component (RC) Soldiers completing active duty that results in the award of an MOS, even when the active duty period was less than 90 days (for example, completion of the

advanced individual training component of ARNGUS Alternate Training Program or USAR Split Training Program).

b. Paragraph 5-6 states: "When a RC Soldier successfully completes initial active duty training the character of service is Honorable unless directed otherwise by the separation approval authority."

//NOTHING FOLLOWS//