

IN THE CASE OF: ██████████

BOARD DATE: 4 April 2024

DOCKET NUMBER: AR20230009847

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show in item 12b (Separation Date This Period) 10 January 1992.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Statement

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 discharge date corrected to 10 January 1992. This date reflects the date he was relieved from assignment on the Temporary Disability Retired List (TDRL) and discharged from the Army. He remained under order of the Army through TDRL and was required to report for regular physical examinations every 6 months for 3 years until his release date. He was unaware his DD Form 214 reflected a different date than what was on his TDRL separation orders and that it was possible to get the date corrected.
3. The applicant provided a self-authored letter composed to the commander of U.S. Army Human Resources Command detailing his desire to correct his discharge date on his DD Form 214.
4. A review of the applicant's service record shows:
  - a. He enlisted into the Regular Army 25 January 1989. Orders D104-6, dated 31 May 1989 relieved the applicant from assignment and duty because of physical disability incurred while entitled to basic pay and under conditions which permit his placement on the TDRL, effective 21 June 1989.

b. He was honorably retired from active duty on 21 June 1989 for physical disability – temporary. His DD Form 214 shows he completed 4 months and 26 days of active service and was awarded or authorized the Army Service Ribbon. It also shows in:

- item 12b (Separation Date This Period): 21 June 1989
- item 25 (Separation Authority): AR 635-40, paragraph 2-24e (2)

c. Orders D6-7, dated 9 January 1992 removed the applicant from the TDRL and discharged him from the service on the date indicated because of permanent physical disability, effective 10 January 1992 with a percentage of disability of 10%.

5. By regulation (AR 635-5), the DD Form 214 provides a brief, clear-cut record of active service at the time of release from active duty, retirement, or discharge.

a. Paragraph 1-4 provided that a DD Form 214 will not be prepared for members being removed from the TDRL.

b. Table 2-2 stated for item 12b, enter the date placed on the TDRL.

**BOARD DISCUSSION:**

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.

2. The DD Form 214 is only used to document active duty service, which does not include time on the TDRL. The Board found the applicant’s DD Form 214 accurately reflects his last day of active duty service. The Board determined the entry in item 12b of his DD Form 214 is not an error.

**BOARD VOTE:**

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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.

8/18/2024

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.

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) 635-40 (Physical Evaluation for Retention, Retirement, or Separation), this regulation establishes the Army Physical Disability Evaluation System. It sets forth policies, responsibilities, and procedures that apply in determining whether a member is unfit because of physical disability to perform the duties of his office, grade, rank, or rating. If a member is found unfit because of physical disability, it provides for disposition of the member according to applicable laws and policies. Paragraph 4-24e, based upon the final decision of the Commanding General (CG), US Army Physical Disability Agency (USAPDA) or the Army Physical Disability Appeal Board (ADPAB), the CG, MILPERCEN (Army Military Personnel) will issue retirement orders or other disposition instruction as follows:

- Permanent retirement for physical disability.
- Placement on the Temporary Disability Retired List.
- Separation for physical disability with severance pay.
- Separation for. physical disability without severance pay.

3. AR 635-5 (Separation Documents), effective 1 October 1979, prescribed the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service. It established standardized policy for preparing and

distributing the DD Form 214. The DD Form 214 provides a brief, clear-cut record of active service at the time of release from active duty, retirement, or discharge.

a. Paragraph 1-4 provided that a DD Form 214 will not be prepared for members being removed from the TDRL.

b. Table 2-2 stated for item 12b, enter the date placed on the TDRL.

//NOTHING FOLLOWS//