

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 May 2024

DOCKET NUMBER: AR20230010014

APPLICANT REQUESTS: reconsideration of his earlier request for correction of his DD Form 214 (Certificate of Release or Discharge or Release from Active Duty) for the period ending 23 June 1991 to show his release from active duty as 6 July 1993.

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

- DD Form 149 (Application for Correction of Military Record), 16 August 2023
- Congressional Privacy Act Release Form, 27 July 2023
- Email, Case Management Division, 7 August 2023

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20200006603 boarded on 13 April 2021.
2. The applicant states, in effect, his DD Form 214 should be corrected to show a later date of separation. He was called up from the U.S. Army Reserves (USAR) to active duty. He has treatment and counseling records to support this.
3. A review of the applicant's service records shows:
  - a. On 24 October 1980, he enlisted in the USAR Delayed Entry Program (DEP) for 6 years.
  - b. On 29 April 1981, he was discharged from the USAR DEP after having completed 6 months and 5 days, and he enlisted in the Regular Army for a period of 3 years.
  - c. On 7 October 1982, he extended his first enlistment by 21 months in order to complete a 3 year overseas tour.

d. Orders 255-35 issued by 187th Personnel Service Company assigned him to separation processing with a separation from active duty of 28 January 1986.

e. On 28 January 1986, he was honorably released from active duty and transferred to control of Headquarters (HQ) Battalion, 123rd Army Reserve Command, USAR. His DD Form 214 for this enlistment shows in item 12a (Record of Service):

(1) Item 12a (Date Entered Active Duty this Period) – 29 April 1981.

(2) Item 12b (Separation Date This Period) – 28 January 1986.

(3) Item 12c (Net Active Service This Period) – 4 years and 9 months.

(4) Item 12d (Total Prior Active Service) – none.

(5) Item 12e (Total Prior Inactive Service) – 6 months and 5 days.

f. On 22 April 1987, USAR Personnel Center issued him Orders honorably discharging him from the USAR, effective 28 April 1987.

g. On 17 September 1990, he enlisted in the USAR for a period of 3 years beginning at pay grade specialist/E-4.

h. Permanent Orders 19-2 issued by HQ, Fourth United States Army, dated 31 January 1991, mobilized his unit to active Federal duty effective 4 February 1991.

i. Special Orders Number 129-07, issued by Landstuhl Army Regional Medical Center, Relieved him from the 2nd General Hospital, Landstuhl, and further attached him to the Medical Hold Company, Fort Knox, with treatment at U.S. Air Force Medical Center, Wright-Patterson, AFB.

j. Orders 159-226, issued by U.S. Army Soldier Support Center, Fort Benjamin Harrison, dated 8 June 1991, released him from active duty (REFRAD) not by reason of physical disability with a REFRAD date of 23 June 1991.

k. On 23 June 1991, he was honorably released from active duty to the control of 199th Supply Company, Fort Benjamin Harris. His DD Form 214 for this period shows in:

(1) Item 12a (Date Entered Active Duty this Period) – 4 February 1991.

(2) Item 12b (Separation Date This Period) – 23 June 1991.

- (3) Item 12c (Net Active Service This Period) – 4 months and 20 days.
- (4) Item 12d (Total Prior Active Service) – 4 years and 9 months.
- (5) Item 12e (Total Prior Inactive Service) – 5 years, 6 months and 12 days.

l. On 1 June 1992, he was issued a DD Form 215 (Correction to DD Form 214) for the period ending 23 June 1991. This correction did not include any amendments to item 12 of his DD Form 214.

m. Orders 93-171-044, issued by HQ, U.S Army Reserve Command, on 9 June 1993, reassigned him to USAR (Standby) for a voluntary reassignment, effective 9 June 1993.

n. Orders D-09-380186, issued by U.S Army Reserve Personnel Center, dated 21 September 1993, and honorably discharged him from the USAR (Ready Reserve), effective 21 September 1993.

4. There is no evidence in the applicant's available records, nor did he provide evidence, showing he performed active-duty service for 90 days or more after he was released from active duty on 23 June 1991.

5. In a previous ABCMR Docket Number AR20200006603 boarded on 13 April 2021, the Board denied his request for a change to his DD Form 214 to show a separation date of 21 September 1993, noting there was no evidence of record to show he completed additional active-duty service than what is already listed on his DD Form 214, with a separation date of 23 June 1991.

#### 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 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 the applicant's record is absent sufficient evidence to support his contentions for correction of his DD Form 214 for the period ending 23 June 1991 to show his release from active duty as 6 July 1993. The Board agreed the applicant's record is absent sufficient documentation to support any active-duty service for a period greater than 90 days. As such, the Board denied relief.

2. This board is not an investigative body. The Board determined despite the absence of the applicant's service records, they agreed the burden of proof rest on the applicant,

however, he did not provide any supporting documentation and his service record has insufficient evidence to support the applicant contentions for correction of his DD Form 214 to show his release from active duty.

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 Board found 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 to amend the decision of the ABCMR set forth in Docket Number AR20200006603 boarded on 13 April 2021.

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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. Army Regulation 15-185 (Army Board for Correction of Military Records) 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. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

2. Army Regulation 635-5 (Separation Documents), in effect at the time of the applicant's active-duty service, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for the preparation of the DD Form 214. It states the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. The regulation also states that a DD Form 214 will be prepared for all personnel at the time of their retirement, discharge, or release from active duty, including USAR personnel who are separated after completing 90 days or more of continuous active duty.

a. The instructions for item 12a (Date Entered Active Duty This Period) read, enter the date of the first day of the last immediate reenlistment for which a DD Form 214 was not issued.

b. The instructions for item 12b (Separation Date This Period) read, self-explanatory, meaning enter the date of separation from active duty.

c. The instructions for item 12c (Net Active Service this Period) read, all service entered will be less time lost under Title 10 U.S.C. Section 972 and time lost after expiration of term of service.

d. The instructions for item 12d (Total Prior Active Service), all service entered will be less time lost under 10 U.S.C.972 and time lost after expiration of term of service.

e. The instructions for item 12e (Total Prior Inactive Service), all service entered will be less time lost under 10 U.S.C.972 and time lost after expiration of term of service.

//NOTHING FOLLOWS//