

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 May 2024

DOCKET NUMBER: AR20230010350

APPLICANT REQUESTS: correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show additional service credit for time spent at the U.S. Military Academy (USMA) Preparatory School.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214

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 she completed a second year at the USMA Preparatory School. She does not have a DD Form 215 (Correction to the DD Form 214) to show service after the first year. She needs this corrected to receive accurate pay for her time in service. Her DD Form 214 shows 1 year of service, but she completed 2 years of active service.
3. Additionally, she states she continued to serve and was paid during her second tour at USMA. She has an Enlisted Record Brief (ERB) for completion of her second year of service. Her classmates received a DD Form 214 for their service. She was out-processed with the rest of her class the first year, and in processed again. During the summer she worked as an "AS1" at the preparatory school. She stayed a second year with the understanding that her service would continue to be reflected in her record. Her service ranged from 17 July 2017 through 1 July 2019.
4. The applicant's USMA cadet records are not available for the Board's review. This case is being considered using documents from the Interactive Personnel Electronic Records Management System (iPERMS).

5. On 16 July 2017, she enlisted in the United States Army Reserve (USAR) for the purpose of attending the USMA Preparatory School, West Point, NY. On 17 July 2017, she entered active duty and successfully completed the USMA Preparatory Course (Class of 2018).

6. On 5 September 2018, Headquarters, U.S. Army Garrison, West Point, NY, published Orders Number 248-0002 honorably releasing the applicant from active duty and assigning her to the USAR Control Group (Reinforcement), effective 15 July 2018.

7. Accordingly, her DD Form 214 shows she was honorably released from active duty on 15 July 2018, and she was transferred to the USAR Control Group (Reinforcement) to complete her remaining service obligation. Her DD Form 214 for this period of service shows in:

- Date Entered Active Duty This Period – “2017 07 17”
- Separation Date This Period – “2018 07 15”
- Net Active Service This Period – “0000 11 29”

8. A second enlistment contract shows she reenlisted in the USAR at the USMA Preparatory School, West Point, NY, on 16 July 2018. An ERB, dated 12 July 2019, shows she was assigned to the USMA Cadet Detachment on 1 July 2019.

9. Orders 0004706956.00 117296767, dated 11 May 2023, show the applicant was voluntarily separated from control Group Annual Training effective 30 June 2019 and transferred to the Individual Ready Reserve.

10. Her record contains a chronological statement of retirement points, dated 17 May 2024, which shows during the retirement year 17 July 2017 to 25 May 2018, the applicant earned 313 active duty points; however, she did not earn any active duty points after this period.

10. The available evidence does not show the applicant served in an active-duty status after 15 July 2018; although, she did later serve as a cadet at USMA during some unspecified period.

11. 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 duty. It provides a brief, clear-cut record of active-duty service at the time of release from active duty, retirement, or discharge.

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 record is absent sufficient evidence to show the applicant served in an active-duty status after 15 July 2018. The Board found the applicant was release from active duty and assigning her to the USAR Control Group (Reinforcement), effective 15 July 2018. The Board agreed there is insufficient evidence that warrants correction to the applicant's records. Therefore, 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, she did not provide any supporting documentation and her service record has insufficient evidence to support the applicant contentions of service credit for time spent at the U.S. Military Academy (USMA) Predatory School.

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.

[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 635-8 (Separation Processing and Documents), currently in effect, establishes the standardized policy for preparing and distributing the DD Form 214.

a. Paragraph 5-1 (When to prepare the DD Form 214) 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 REFRAD, retirement, or dis-charge. The DD Form 214 is not intended to have any legal effect on termination of a Soldier's service. Except as provided in paragraph 5-2, a DD Form 214 will be prepared for Soldiers in the following categories (in applicable part):

(1) RC Soldiers completing 90 days or more days of continuous active duty. For example, such periods may consist of ADOS, contingency operations-ADOS, active duty operational support-RC, AGR, or full-time National Guard duty for operational support.

(2) ARNGUS and USAR Soldiers mobilized under 10 USC sections 12301, 12302, 12304, 12304a, or 12304b and ARNG Soldiers called into Federal service under 10 USC 12301 or 32 USC 502, regardless of length of mobilization, when transitioned from active duty. Soldiers who report to a mobilization station and are found unqualified for active duty within the first 30 days will be excluded from this provision. They will receive a DD Form 220 (Active Duty Report), as specified in paragraph 9-1.

(3) RC Soldiers completing active duty that results in the award of a military occupational specialty (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).

(4) Soldiers changing their status or component while serving on active duty, specifically, U.S. Military Academy (USMA) cadets who are separated from USMA prior to graduation. In addition, if a cadet entered USMA from an active duty status, USMA will issue the cadet a DD Form 214, upon entry.

b. Paragraph 5-2 (When not to prepare a DD Form 214), provides, a DD Form 214 will not be prepared for the following Soldiers:

d. Personnel who terminate their RC status to integrate into the Regular Army.

f. Soldiers discharged for immediate reenlistment in the RA.

g. Enlisted personnel who receive temporary appointments to warrant officer or commissioned officer grades.

h. Personnel whose temporary warrant or commissioned officer status is terminated and who remain on active duty to complete an enlistment.

//NOTHING FOLLOWS//