

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 January 2025

DOCKET NUMBER: AR20230010735

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 3 October 2013, by changing the narrative reason for separation to read "gun shot wound"

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

- DD Form 293 (Application for Review of Discharge)
- Medical Documents

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 received an honorable discharge for being medically retired. He is requesting to change the information to the correct working to show it was a gun shot wound.
3. The applicant provides medical documents, which show he received a gun shot wound.
4. The applicant's service record contains the following documents:
  - a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows he enlisted in the Regular Army and entered active duty on 3 June 2009.
  - b. DA Form 199 (Formal Physical Evaluation Board (PEB) Proceedings) 2 July 2013 shows his disabilities as:
    - Lumbar strain; sustained after an explosion while conducting a dismounted patrol in Afghanistan
    - Right tibia fracture; fractured his right tibia in Afghanistan

- Right hip strain; sustained hip injury in Afghanistan

The board found he was physically unit and recommended a rating of 30 percent and that his disposition be permanent disability retirement. There is no information regarding a gunshot wound. He concurred with the board's recommendation and waived a formal hearing in his case. He did not request reconsideration of his Department of Veterans Affairs ratings.

c. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was honorably retired on 3 October 2013. The type of separation was retirement and the narrative reason for separation was disability, permanent (enhanced).

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the applicant's requested relief and the regulatory guidance preventing the change, as well as, in the opinion of all Board Members, the current entry accurately depicting the circumstances leading to the applicant's separation, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's narrative reason for separation.

BOARD VOTE:

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

//SIGNED//

X

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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 635-5 (Personnel Separation Separation Documents) prescribes the separation documents that must be prepared for Soldiers on retirement, discharge, release from active duty service, or control of the Active Army. It states when completing the DD Form 214 in block 28 (Narrative Reason for Separation) This is based on regulatory or other authority and can be checked against the cross reference in Army Regulation 635-5-1.
3. Army Regulation 635-5-1 (Personnel Separations – Separation Program Designator (SPD) Codes), in effect at the time, prescribes the specific authorities, reasons for separating Soldiers from active duty, and the SPD codes to be entered on DD Form 214. It does not include a narrative reason for separation or SPD Code for a gunshot wound.

//NOTHING FOLLOWS//