

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 January 2025

DOCKET NUMBER: AR20230011062

APPLICANT REQUESTS: in effect, issuance of DD Form(s) 214 (Certificate of Release or Discharge from Active Duty) for deployments while in a civilian status with the Defense Intelligence Agency (DIA)

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored Letter
- Leave and Earnings Statements, 1-31 December 1989 and 1-31 January 1990
- DA Forms 1380 (Record of Individual Performance of Reserve Duty Training)
- Operation Just Cause Certificate - Panama
- DIA Letter
- Letters of Appreciation
- Letter from Lieutenant Colonel (LTC) Retired (R) M- A. B-
- DD Forms 1610 (Request and Authorization for Temporary Duty (TDY) of Department of Defense (DoD) Personnel)
- DIA Civilian Combat Support Award Citation
- Letter of Endorsement from M- M-

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:

a. She is requesting a change for active-duty credit in her military records. She is requesting an exception to the policy that while at DIA, the DoD Instruction (DoDI) 1336.01 was only applicable to military members in uniformed service, and any deployment done as a civilian is not to be credited on the DD Form 214.

b. The DIA Mob/Deployment Office opted to "keep it simple" and did not go the Army route, even though she was in the U.S. Army Reserve (USAR). At the time, she did not anticipate the repercussions she would encounter upon her retirement. She respectfully requests she be granted military credit for three deployments she made to three theaters of operations. She served in a clandestine capacity, and her military colleagues were not [sic] in civilian clothing.

c. Her deployments include Panama in 1989, Bosnia in 2000, and Afghanistan in 2004. Obtaining credit for active-duty service would provide her the military time needed to be granted a DD Form 214. She requests the Army ask for her three sets of deployment orders from DIA, to establish the fact that she did serve her country.

d. Her wish is to be buried at the Corozal Veterans Cemetery in Panama. Her father and brother are both veterans and that is her country of birth. She has addressed the request with Colonel J- F-, Consultant to International Defense and Intelligence Affairs as well as C- G-, Superintendent, American Battle Monuments Commission, during visits to Panama and was informed that not having a DD Form 214 required elevated reviews for a request to be granted.

e. Though she has her military retired identification card and letter of retirement, she does not have a DD Form 214, as all veterans who have honorably served their country should have. Granting her credit for time served in the the three deployments will grant her the honor of having all military retired documents in hand.

f. She has exhausted all venues, going through the USAR personnel channels asking how to rectify this matter. She then made a direct appeal, in late spring 2022, to Lieutenant General (LTG) S- B- the, then, director of DIA, stating her case and a request for review of her records in Department of the Army Special Roster for classified personnel actions. She also informed the LTG , that the DIA Mob/Deployment Officer, under Sergeant First Class M- R-, opined that since she was to be in alias, it was easier to keep the orders in civilian format. LTG B- assigned Major General (MG) C- P-, to handle her case.

g. MG P- cited that the latest changes to the DoDI policy, noted above, may be a faster way to resolve the issue, as opposed to making an appeal to the Assistant Secretary of Defense for Manpower and Reserve Affairs. MG P-'s office was unable to find applicable Office of Personnel Management guidance for civilians that allowed for deployed civilian service to be credited on the military's DD Form 214. A review of the changes to DoDI 1336.01 paragraph 3.2a(1)d, and 3.2b(1)c, in her case said she was eligible for a DD Form 214/214-1.

h. After her exhausting search within U.S. Army Human Resources Command (AHRC), she finally spoke to someone who knew the regulation. He informed her that it

was published in February 2002, however, the document was still in "development" and will not be released until 2024 or 2025. No one can anticipate when your demise will come. She also thinks that there should be a review of policy for future deployed Reservists at DIA getting service credit for deployments. In the interim, she has some documentation regarding these deployments. During Operation Just Cause, in 1989, she received Army credit via DA Forms 1380.

i. It bothered her from the onset and each time she queried the MOB officer about putting her in a military status, she was told deploying in alias extended the time of executing the order, and she still would be credited. The issue has bothered her since retiring from the DIA.

j. As she prepared her estate in 2017, the issue of where to be buried began to fester more. Family losses in 2020 and 2021 set this matter aside until 2022 when again she wanted to have her military records reflect that she served her country in three separate theaters of war, and this change would entitle her to issuance of a DD Form 214.

3. The applicant provides the following documents:

a. A self-authored letter "to whom it may concern", 21 September 2023, which states, in effect:

(1) She retired from the USAR in March 2007 with 23 years of honorable service. She is not eligible to receive a DD Form 214 because she does not have 90 days of consecutive "active-duty time". She deployed to three theaters of war with the DIA under civilian orders, even though she was an Army Reservist. She requests DIA acknowledge said deployments by providing official copies of her orders, or a letter from the Director, DIA attesting that she served her country, albeit in civilian attire. For security reasons, they were all in civilian clothing - this included her active duty colleagues.

(2) She has wanted to join the Veterans of Foreign Wars and the American Legion. To join each organization she has to have a DD Form 214 or an in-depth review at the highest level, as to why she should be granted the DD Form 214. She respectfully and honorably served her country and earned it.

(3) The past two years, she has gone through the National Reserve Records Center and AHRC requesting assistance as to how her request could be honored. It simply comes down to acknowledgement of three deployments, and that an exception to policy be granted by the Army. After a year of going through USAR channels, she went directly to the Director, DIA, LTG B-.

(4) Her other recourse was to submit a Congressional Inquiry. Initial results in April 2023 uncovered what she already knows to be the rationale for non-issuance of the DD Form 214. The Army does not have records of any deployments to theaters of war.

(5) She served with the DIA, during the invasion of Panama, Operation Just Cause, November 1989 through February 1990. After Noriega's apprehension, she requested to stay to assist the FBI in combing through thousands of documents recovered for prosecutorial evidence at Noriega's trial. She was next deployed to Bosnia from August 2000 to January 2001. Her final deployment was to Afghanistan from August 2004 to January 2006.

b. DA Forms 1380 (Record of Individual Performance of Reserve Duty Training) shows she performed USAR duty on 1-2 January 1990 and 2-3 February 1990 in support of Operation Just Cause in Panama.

c. An Operation Joint Cause Certificate for her support of the American Soldiers, Sailors, and Airmen in Panama.

d. A letter from DIA, 30 March 1990, states she was personally selected to represent DB at the Joint Intelligence Fusion Cell in Panama.

e. Letters of Appreciation for her participation in Operation Just Cause.

f. DD Forms 1610 (Request and Authorization for TDY Travel of DoD Personnel), show she was requesting TDY orders to go to:

- 27 July 2000; Bosnia for a period of approximately 179 days with a proceed date of 3 August 2000
- 16 April 2004, Afghanistan for a period of approximately 179 days with a proceed date of 4 May 2004

g. DIA Civilian Combat Support Award Citation for her deployment to Afghanistan from 9 May 2004 to 23 October 2004.

h. A letter of endorsement from M- M-, Vice President, Account Executive for Intelligence and Information Operations, 2 November 2023, states in effect:

(1) The purpose of the letter to the Board is to vouch for the applicant's deployments to Bosnia and Afghanistan. He had personal knowledge of her distinguished service, during these deployments. Based on this information, he requests favorable consideration by the Board to consider her being granted Army active duty-credit.

(2) The applicant was deployed to Bosnia from August 2000 to January 2001 and Afghanistan from August 2004 to January 2005. Not only was she a meticulous operator in the handling of clandestine sources, but she was also instrumental in the acquisition of safehouses, which was a critical need for the protection of DIA personnel and security of enhanced operations. She was solely responsible for the on-sight research and subsequent establishment of the first operational platform in Herat, Afghanistan. Her handling of sources, which led to recruitments in both Bosnia and Afghanistan, enhanced their information capability and policy decision-making, at higher levels. There is no doubt that her participation in these two hostile theaters of conflict merit she can be credited with active duty time by the Army. Each deployment is for a period of six months. This veteran and civil servant is deserving of the full honor bestowed our service men and women, which is the issuance of a DD Form 214. He also recommends and entry be made, during the revision of DoDI 1336.01, that Reservists deployed under DIA orders for a period of no less than 60 days be granted active duty credit, when deployed to theaters of conflict/war.

4. The applicant's service records contain the following documents:

a. DA Form 71 (Oath of Office - Military Personnel) shows she took the oath of office as a Reserve Commissioned Officer on 1 February 1984.

b. Memorandum Notification of Eligibility for Retired Pay at Age 60 (Twenty Year Letter), 14 September 2006 informs her she completed the required years of qualifying reserve service and is eligible for retired pay, on application, at age 60.

c. Orders C-01-702103, published by AHRC, 18 January 2007, honorably transferred her to the Retired Reserve effective 3 March 2007.

d. Her service record is void of active duty orders and DD Form(s) 214 showing her active duty service.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the regulatory guidance stating that DD Form 214s are published for ACTIVE DUTY service greater than 90 consecutive dates and the applicant's request involving the publication of a DD214 while servicing in a civilian status, the Board concluded there was insufficient evidence of an error or injustice warranting relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XXX	:XXX	:XXX	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.

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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 15-180 (ABCMR) states the ABCMR will decide cases on the evidence of record. It is not an investigative body.
3. Army Regulation 635-5 (Separation Documents) provides that the DD Form 214 will reflect the conditions and circumstances that existed at the time the records were created. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge.

a. The DD Form 214 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 in a Reserve Component:

- completing 90 days or more of continuous active-duty training
- when mobilized under sections 12301(a), 12302, or 12304, Title 10, USC and ARNG Soldiers called into Federal service under chapter 15, or section 12406, Title 10, USC, regardless of length of mobilization, when transitioned from active-duty
- 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 (AIT) under ARNGUS Alternate Training Program or USAR Split Training Program

b. Paragraph 2-7 (Issuing and Reissuing DD Form 214) provides that a DD Form 214 will not be issued to replace record copies or DD Forms 214 lost by Soldiers. If no DD Form 214 is available, issue a Statement of Service or transcript of the military record.

4. DoDI 1336.01 (Certificate of Uniformed Service (DD Form 214/5 Series)), effective 17 February 2022, states in:

a. Paragraph 1.2b, pursuant to Section 570 of Public Law 116-02, the DD Form 214-1, in conjunction with the DD Form 214, represents the standard record of service for members of the Reserve Component.

b. Paragraph 2.4b, provide Reserve Component members who are separated or released from their component a DD Form 214 and DD Form 214-1 containing a concise summary of service. Service implementation and issuance of the DD Form 214-1 is required within three years of publication of this issuance.

c. Paragraph 3.2a (DD Form 214 Issuance) the following members will be issued a DD Form 214:

- Members who are separated or released from active service
- Recalled retirees reverting to retired status, regardless of the period of active duty service
- Members who are separated for cause or for physical disability, regardless of the period of active service
- Personnel being separated, when they have served 90 days or more or when required by the Secretary concerned for shorter periods, form a period of

active duty for training, full-time training duty, or active duty for operational support

- Reserve Component personnel ordered to active duty for contingency operations for a period greater than 30 days
- Members who change their status or component, while serving on active service
- Members who are issued a DD Form 214-1

d. Paragraph 3.2b (DD Form 214-1 Issuance) the following members will be issued a DD Form 214-1 in conjunction with DD Form 214:

- Members who are separated or released from a Reserve Component
- Reserve Component members transferred to the Individual Ready Reserve or the Inactive National Guard
- Reserve Component Members transferred to the Standby Reserve or Retired Reserve
- Recalled retirees to retired status
- As prescribed under other circumstances determined by the uniformed service concerned

e. There is not a provision in the DoDI that makes the issuance of the DD Form 214/214-1 retroactive for individuals who were separated from the Reserve Component prior to the date of the DoDI.

3. There are no provisions in Army Regulation, statutes, or law that allow civilian service as credit for active duty service.

//NOTHING FOLLOWS//