

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 April 2024

DOCKET NUMBER: AR20230011430

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to amend Item 12a (Date Entered Active Duty This Period) to show "2002-03-05" vice "2002-09-06."

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, effective 15 November 2006
- DD Form 215 (Correction to 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 he is requesting correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to amend Item 12a (Date Entered Active Duty This Period) to show 5 March 2002 vice 6 September 2002. He recently became a government civilian employee, and he is attempting to buy his military time back so it is reflected toward his civilian retirement; however, his employer will not accept his DD Form 214 until it is corrected.
3. The applicant provides:
  - a. A DD Form 214, effective 15 November 2006, that shows "2002 09 06" in Item 12a (Date Entered Active Duty This Period) and in Item 18 (Remarks) it shows "continuous honorable active service: 20020305 – 20070313."
  - b. A DD Form 215 that corrects Item 12b (Separation Date This Period) of his DD Form 214 effective 15 November 2006, to read "2007 03 13."
4. Review of the applicant's service record shows:

a. He enlisted in the Delayed Entry Program (DEP) of the Army Reserve (USAR) on 10 January 2002 for a term of 8 years in the grade of E-4. He was discharged from the DEP and enlisted in the Regular Army for 3 years on 5 March 2002. He enlisted for the U.S. Army Officer/Warrant Officer Enlistment Program Option.

b. It is unclear from the available record of the exact date he entered active duty (as an enlisted member) and/or his unit of assignment. Likewise, the duration of his active duty as an enlisted Soldier is unknown. It is also unclear if he was issued an order (and a resultant DD Form 214) separating him from his enlisted status.

c. On 13 August 2002, Orders 225-21-A-736, issued by Headquarters, U.S. Army Infantry Center, ordered the applicant to active duty effective 6 September 2002. The Standard Name Line shows he was assigned to 3rd Battalion, 11th Infantry Regiment, U.S. Army Infantry School, Fort Benning, as a second lieutenant. The orders state:

- Effective Date of Commission is 6 September 2002.
- Active Duty Commitment 3 years

d. DA Form 71 (Oath of Office – Military Personnel) shows he was appointed as an officer in the grade of second lieutenant/O-2 on 6 September 2002.

e. Orders 265-0210, issued by Department of the Army, Military Personnel Division on 22 September 2006 released him from active duty on 15 November 2006.

f. On 15 November 2006, he was honorably released from active duty. His DD Form 214 shows he completed 5 years and 9 days of active service. This DD Form 214 shows in:

- Block 12a (Date Entered Active Duty This Period) shows 2002-09-06
- Block 12b (Separation Date This Period) 2006-11-15
- Block 12c (Net Active Service This Period) 0005-00-09
- Block 18 (Remarks) “continuous honorable active service: 20020305 – 20070313

g. On 17 November 2007, a DD Form 215 was issued to amend his DD Form 214, effective 15 November 2006. It shows that Item 12b (Separation Date This Period) was amended to read “2007-03-13” from “2006-11-15.”

5. By regulation (AR 635-5), issue a DD Form 214 for enlisted Soldiers discharged to continue on active duty as a commissioned or warrant officer, or a warrant officer terminating warrant status to continue on active duty as a commissioned officer. A DD Forms 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 military record.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. The applicant served on active duty as an enlisted Soldier as well as a commissioned officer. He initially enlisted in the Regular Army for 3 years on 5 March 2002. It is unclear from the available record of the exact date he entered active duty (as an enlisted member) and/or his unit of assignment. Likewise, the duration of his active duty as an enlisted Soldier is unknown. It is also unclear if and when he was issued an order (and a resultant DD Form 214) separating him from his enlisted status.

b. If the applicant has a copy of his enlisted DD Form 214, or in its absence, if the applicant has other documentary evidence of exact dates of entry on and release from active duty as an enlisted member, he may reapply to HRC or to this Board for issuance of a Statement of Service in lieu of the DD Form 214.

c. The applicant was appointed as a commissioned officer in the grade of second lieutenant/O-2 on 6 September 2002. On 13 August 2002, official orders ordered him to active duty effective 6 September 2002. On 22 September 2006 official orders released him from active duty on 15 November 2006, amended to 13 March 2007. The resultant (commissioned officer) DD Form 214 (as amended by a DD Form 215) correctly listed his date of entry on active duty as a commissioned officer as 6 September 2002.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:            :            :            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.

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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. 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) 635-5 (Personnel Separations – 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 establishes standardized policy for preparing and distributing the DD Form 214 (Certificate of Release or Discharge from Active Duty).

a. The DD Form 214 is a summary of a soldier's most recent period of continuous active duty. It provides a brief, clearcut record of active duty service at the time of release from active duty, retirement, or discharge. The DD Form 214 is not intended to have any legal effect on termination of a soldier's service.

b. Do not issue a DD Form 214 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 military record.

//NOTHING FOLLOWS//