

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 May 2024

DOCKET NUMBER: AR20230011699

APPLICANT REQUESTS:

- correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show in:
  - Item 10c (Date Inducted): 23 July 1970
  - Item 11d (Effective Date): 22 July 1976
- telephonic/video appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, effective 20 March 1971

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 that he is seeking correction of Items 10c and 11d of his DD Form 214, for the service period ending 20 March 1971. He says Item 10c should show the date he joined the United States Army Reserve (USAR) and Item 11d should reflect 22 July 1976.
3. A review of the applicant's service record shows:
  - a. The applicant's DD Form 4 (Enlistment Contract) shows he enlisted in the USAR on 23 July 1970 for a term of 6 years. [There is no record he was inducted into the Army of the United States].

b. On 23 July 1970, the applicant signed a Statement of Availability for Initial Active Duty for Training (IADT) that states he would be available to enter the USAR for IADT at any time after 30 September 1970.

c. Letter Orders Number T-09-6734A issued by Headquarters, First United States Army on 10 September 1970, ordered him to IADT with a report date of 20 October 1970.

d. Special Orders Number 55 issued by Headquarters, United States Army Personnel Center, on 10 March 1971 relieved the applicant from active duty, effective 20 March 1971.

e. The applicant was honorably released from active duty (REFRAD) on 20 March 1971. He was transferred back to the USAR. The applicant's DD Form 214 shows the applicant completed 5 months and 1 day of active service. This DD Form 214 further shows in:

- Block 10c (Dated Inducted): "NA"
- Block 11d (Effective Date): 20 March 1971
- Block 17c (Date of Entry) 20 October 1970

f. Orders 1-21 issued by Headquarters, First United States Army on 1 July 1976, honorably discharged the applicant from the USAR with an effective date of 22 July 1976.

4. By regulation (AR 635-5), 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 release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

- Item 10c is applicable only to individuals who were inducted (as opposed to enlisted)
- Item 11d reflects the date separation is accomplished.

#### BOARD DISCUSSION:

1. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's

contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant enlisted in the USAR on 23 July 1970 for 6 years. There is no record he was inducted into the Army of the United States. He then entered active duty for training on 20 October 1970 and he was honorably released from active duty on 20 March 1971. The applicant's DD Form 214 he completed 5 months and 1 day of active service. This DD Form 214 further shows in Block 10c (Dated Inducted): "NA" (because he was not inducted); Block 11d (Effective Date): 20 March 1971 (the date of release from active duty); and Block 17c (Date of Entry) 20 October 1970 (the date he entered active duty). The Board found no evidence of error or injustice.

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.

■

■

---

■

■

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. AR 15-185 (ABCMR) 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, which is that what the Army did was correct. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. Army Regulation 635-5 (Personnel Separation – Separation Documents), in effect at the time, 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 release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

a. For Item 10c, it is only applicable to individuals who were inducted (as opposed to enlisted).

b. For Item 11d, enter date separation is accomplished.

//NOTHING FOLLOWS//