

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 June 2024

DOCKET NUMBER: AR20230011701

APPLICANT REQUESTS: correction of his records to show he had active duty service from 1 January 2009 through 31 December 2010 (24 months).

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 1966 (Record of Military Processing Armed Forces of the United States), 30 July 2003
- Statement of Understanding Selected Reserve Montgomery GI Bill, 30 July 2003
- Statement of Understanding Reserve Obligation and Responsibilities, 30 July 2003
- DD Form 4 (Enlistment/Reenlistment Document - Armed Forces of the United States), 31 July 2003
- Enlistment/Reenlistment Agreement - Army National Guard (ARNG), 31 July 2003
- Statement of Understanding for the Critical Skill Bonus, 31 July 2003
- Enlistment Bonus Addendum, 31 July 2003
- Montgomery GI Bill Kicker Addendum, 31 July 2003
- DA Form 4187 (Personnel Action) Promotion to Private First Class, 26 October 2003
- DA Form 4187, Promotion to Specialist, 18 October 2005
- Orders 059-024 Transfer Orders, 28 February 2006
- Orders 205-05 Military Occupational Specialty Orders, 24 July 2006
- Certificate Electronic Warfare Signals Intelligence Analyst Course, 17 August 2006
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 18 August 2006
- Orders 335-164 Release from Attachment, 1 December 2006
- Certificate of Training Combat Lifesaver Course, 15 March 2007
- Orders 100-100 Transfer Orders, 10 April 2007
- Permanent Orders 162-001 Temporary Change of Station Orders, 11 April 2007
- Reserve Educational Assistance Program Eligibility for Mobilized Soldiers, 28 September 2007

- Permanent Orders 027-014 Award of Meritorious Unit Commendation, 27 January 2008
- Permanent Orders Award of the Army Good Conduct Medal (AGCM), 6 February 2008
- NGB Form 23B, ARNG Retirement Points History Statement, 2 March 2008
- Orders 095-0032 Release from Active Duty (AD) 4 April 2008
- DA Forms 1059 (Service School Academic Evaluation Report) Intelligence Analyst Phase II and Phase III, 14 June 2008 and 28 June 2008
- Permanent Order 199-029 Award [REDACTED] National Guard Outstanding Unit Ribbon, 17 July 2008
- Award [REDACTED] State Service Medal 30 July 2008
- Orders A-12-824795 Order to AD Operation Support (OS) with amendments, 4 December 2008
- DA Form 4187, Change of Paragraph and Line Number, 8 May 2009
- Permanent Order 070-018 Award of AGCM, 11 March 2009
- Orders 225-079 Promotion to SGT, 13 October 2009
- Recommendation for award of the Army Reserve Components Achievement Medal (2nd Award), 13 October 2009
- Memorandum Request for Contingency ADOS, 24 November 2009
- Memorandum for Record (MFR) Mobilization Packet Updated Information, 11 December 2009
- Memorandum The Adjutant General (TAG) Release with signature authority memorandum, 11 December 2009
- Orders A-12-935254 Order to AD with amendment, 31 December 2009
- DA Form 2166-8 (Noncommissioned Officer Evaluation Report), 15 July 2010
- Orders 322-018 Transfer Orders, 18 November 2010
- Leave and Earnings Statements (LES) from 15 January 2009 through 30 December 2010
- Social Security Card
- State [REDACTED] Birth Certificate
- Unreadable DD Form 214
- Orders 144-043 Transfer Orders, 24 May 2011
- NGB Form 23A (ARNG Annual Statement), 1 August 2011
- Orders 274-024 Discharge from the ARNG, 1 October 2014
- NGB Form 22 (National Guard Report of Separation and Record of Service), 1 October 2014
- NGB Form 23A, 13 November 2018

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 currently missing 24 months of active duty time from 1 January 2009 through 31 December 2010. He is unable to locate his DD Forms 214 from Orders A-12824795 (2009) and A-12-925254 (2010) while he was deployed to Headquarters, Special Operations Command Africa (SOCAFRICA). He is ineligible for 100 percent tuition assistance due to insufficient active duty days. The Department of Veterans Affairs has no records of medical treatment he received before deployment to Camp Lemonier, Djibouti. He also was exposed to toxic hazards from open burn pits that needs to be documented. He had two years overseas when he was away from his friends and family.

3. The applicant provides the following documents:

a. Memorandum, subject: Request for Contingency ADOS tour for the applicant in support of Operation Enduring Freedom mission requirements, 24 November 2009, requested 265 days of contingency ADOS in support of Operation Enduring Freedom - Trans Sahara (OEF-TS) with a duty location of Kelley Barracks, Stuttgart Germany with further deployment into the OEF-TS Joint Special Operations Area. The report date was 15 December 2009 and would go through 14 December 2010. He would be assigned to SOCAFRICA Support Activities.

b. MFR from SOCAFRICA subject mobilization packet updated information for the applicant, 11 December 2019, states he met height and weight standards and had been HIV tested.

c. Memorandum subject TAG Release, 11 December 2009, states TAG Maryland released the applicant to perform a 365 day Contingency ADOS tour extension beginning on or about 16 December 2009 in support of OEF. The applicant would be assigned to SOCAFRICA at Kelley Barracks, Stuttgart, Germany.

d. LESs from 15 January 2009 through 30 December 2010, which show the applicant was on AD for training from 1 January 2009 through 31 December 2010. He received hostile fire pay from 13 March 2009 through 21 March 2009.

e. NGB Form 23A (ARNG Current Annual Statement), 13 November 2018, shows he had ARNG Mobilized Service during the periods of 14 December 2008 through 30 July 2009, 31 July 2009 through 13 December 2009, 4 January 2010 through 30 July 2010, and 31 July 2010 through 3 January 2011.

4. The applicant's service record contains the following documents:

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows the applicant enlisted in the ARNG on 31 July 2003.

b. DD Forms 214 (Certificate of Release or Discharge from Active Duty) show the applicant was ordered to AD, as a member of the ARNG, on:

(1) 4 January 2005 and was honorably released on 18 August 2006. He had completed 1 year, 7 months, and 15 days of AD service.

(2) 23 April 2007 and was honorably released on 13 April 2008. He had completed 11 months and 21 days of AD service with 1 years, 7 months, and 15 days of prior AD service. He had service in Iraq from 13 June 2007 through 31 March 2008.

c. Orders A-12-824795, published by U.S. Army Human Resources Command (AHRC), 4 December 2008, ordered the applicant to ADOS for contingency operation in support of OEF with a report date of 14 December 2008 and an end date of 13 December 2009. His duty was at Kelley Barracks, Germany. Amendments of the orders were administrative in nature.

d. Orders A-12-935254, published by AHRC, 31 December 2009, ordered the applicant to ADOS for contingency operations in support of OEF with a report date of 4 January 2010 and an end date of 3 January 2011. His duty was at Kelley Barracks, Germany. The amendment to the order was administrative in nature.

e. NGB Form 22 (Report of Separation and Record of Service), 1 October 2014, honorably transferred the applicant to U.S. Army Reserve Control Group (Reinforcement). He had 11 years, 2 months, and 2 days net service this period with 1 year, 11 months, and 18 days of prior active federal service.

f. The applicant's service record is void of DD Form(s) 214 from 2009 through 2010 or an Enlisted Record Brief.

5. On 29 March 2024, Defense Finance Accounting Service responded to a request for information stating they reviewed the applicant's pay records for the time period and did not find any foreign service credit for Africa for any time period.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.

2. The Board found the pay records provided by the applicant confirm that he was on active duty during the period he claims. The Board determined he should be issued a DD Form 214 or an equivalent document based the documents he provided showing active duty service from on or about 1 January 2009 through on or about 31 December 2010.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

■	■	■	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army and Army National Guard records of the individual concerned be corrected by issuing him a DD Form 214 or equivalent document for his period of active duty service from on or about 1 January 2009 through on or about 31 December 2010.

11/1/2024

X

CHAIRPERSON

Signed by: USA

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 (Separation Documents), in effect at the time, 635-5 (Separation Documents), prescribes the separation documents that will be furnished each individual who is separated from the Army including ADT personnel and cadets from the US Military Academy. The purpose of a separation document is to provide the individual with documentary evidence of his military service. It is a vital record for interested Government agencies which assists the veteran in obtaining the rights and benefits to which he is entitled. It is important that information entered thereon be complete and accurate. Accordingly, local procedures will be established to insure that entries on the forms are verified against source documents for completeness and accuracy. This regulation states, in pertinent part, that a DD Form 214 will be issued at the time of separation to each member of the Reserve components, and the Army of the United States without component, called or ordered to active duty or active duty for training for a period of 90 days or more, each person who is released from custody and control of the Army by virtue of void service.

3. AR 635-8 (Separation Processing and Documents), prescribes the transition processing function of the military personnel system. It provides principles of support, standards of service, policies, tasks, rules, and steps governing required actions in the field to support processing personnel for separation and preparation of separation documents.

a. Paragraph 5-1e, 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.

b. Paragraph 9-1 (Other documents), activities listed in chapter 1 as authorized to prepare separation documents, will issue the following documents as required: DD Form 220. DD Form 220 is used to document periods of active duty when a DD Form 214 is not warranted. Installation level transition centers will issue DD Form 220: Mobilized Soldier. For a mobilized RC Soldier who is found to be unqualified for active duty within 30 days of reporting for active duty, complete 2 copies of DD Form 220 when the Soldier is released from active duty.

//NOTHING FOLLOWS//