

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 July 2024

DOCKET NUMBER: AR20230011733

APPLICANT REQUESTS:

- issuance of a DD Form 214 (Certificate of Release or Discharge from Active Duty) with a characterization of service
- a video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Statement
- DD Form 214, for the period ending 11 January 1988
- Military Identification Card
- Department of Veterans Affairs (VA) Certificate of Eligibility
- National Personnel Records Center (NPRC) Letter, 5 August 2022
- U.S. Army Human Resources Command (HRC) Letter, 25 August 2022

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 his current DD Form 214 (Member 1 Copy) does not include the discharge type nor pay and allowances at the time of his discharge. He only received the Member 1 copy. He was informed his Member 4 copy, other service related records, nor his medical records were available in the National Archives or in any other government systems. It appears all of his records were lost by the U.S. Government.
3. The applicant provides:
 - a. A self-authored statement to HRC reiterating his request for a copy of his DD Form 214 with characterization of service. He further noted he recently started working for the Federal government with VA healthcare and was unable to participate in

the buyback program with his current copy of the DD Form 214. He had made numerous requests to the NPRC to no avail. He was told numerous times they were unable to locate his service record.

b. His DD Form 214 for his active service period from 21 August 1984 through 11 January 1988.

c. A military identification card which shows his rank as specialist (SPC)/E-4 with an expiration date of 20 October 1989.

d. A VA Certificate of Eligibility issued on 8 February 1988, shows the applicant is eligible for benefits of Chapter 37, Title 38 U.S. Code entitlements.

e. A letter from NPRC, dated 5 August 2022, notified the Honorable AK a search of the registry and the electronic records system maintained by the Military Service Department using the applicant's name and social was negative. The NPRC further directed the Honorable AK to contact HRC.

f. A letter from HRC, dated 25 August 2022 also notified the Honorable AK there were no copies of the applicant's DD Form 214 nor any other service records on file. Additionally, it was not possible to re-create or duplicate a historical service document. HRC would be willing to provide a Statement of Service if the applicant could verify the below information:

- Characterization of Service at time of discharge
- Date of Entry on Active Duty
- Date of Release from Active Duty
- Grade at Discharge

4. A review of the applicant's DD Form 214 shows:

a. He enlisted in the Regular Army on 21 August 1984.

b. He was released from active duty and transferred to the U.S. Army Reserve Control Group on 11 January 1988. His DD Form 214 shows he completed 3 years, 4 months, and 21 days of active service with 10 months of prior inactive service. It also shows:

- Block 7 (Last Duty Assignment and Major Command): U.S. Army Transition Point, Forces Command (FORSCOM)
- Block 8 (Station Where Separated) – Fort Devens, MA
- Block 11 (Primary Specialty Number...) – 13N10, Lance Crewmember (3 years and 1 month)

- Block 12f (Foreign Service) – 2 years, 11 months, and 29 days
- Block 14 (Military Education) – Lance Crewmember/MLRS Sergeant Course, 14 Weeks, 1984
- Block 18 (Remarks) – Immediate Reenlistments This Period: 840821-860605, 860606-880111

c. His DD Form 214 also shows he was awarded or authorized:

- Army Service Ribbon
- Army Lapel Button
- Overseas Service Ribbon
- Army Good Conduct Medal (1st Award)
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Sharpshooter Marksmanship Qualification Badge with Hand Grenade Bar
- Army Achievement Medal (1st Oak Leaf Cluster)

5. By regulation (AR 15-185), an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

6. By regulation (AR 635-5), separation documents must be prepared for Soldiers on retirement, discharge, release from active duty service, or control of the Active Army. 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.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The Board found the applicant's justification on being in possession of the Member 1 copy of the DD Form 214 sufficient to warrant issuance of a DD Form 214 with an honorable characterization of service and additional remarks. Specifically, the Board noted the applicant's service from 21 August 1984 to 11 January 1988, including an immediate reenlistment in conjunction with his award of the Army Good Conduct Medal (First Award) to be compelling evidence to warrant relief.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, 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.

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 relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 11 January 1988 to show in:

- item 23 (Type of Separation): Release from Active Duty
- item 24 (Character of Service): Honorable
- item 25 (Separation Authority): Army Regulation 635-200
- item 26 (Separation Code): MBK
- item 27 (Reentry Code): 1
- item 28 (Narrative Reason for Separation): Completion of Required Active Service
- item 29 (Dates of Time Lost During This Period): None

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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 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.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. 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 (Separation Documents) states separation documents must be prepared for Soldiers on retirement, discharge, release from active duty service, or control of the Active Army. 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.

//NOTHING FOLLOWS//