

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 January 2025

DOCKET NUMBER: AR20230012030

APPLICANT REQUESTS:

- Correction to his dates of service from 27 May 2016 through 30 June 2017 to show he served in the U. S. Army Reserves (USAR) and not on active duty
- In effect, correction to his retirement points by including his time served in the Regular Army (RA)
- Amendment to his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show in item 19a (Mailing Address After Separation) his current mailing address
- Amendment to his DD Form 214 to show in item 19b (Nearest Relative) his current spouse

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Orders CR-225-0020, dated 12 August 2016
- Orders CR-225-0020 (R), dated 15 August 2016
- Divorce, dated 13 May 2021
- A letter issued by the Department of Veterans Affairs (VA), dated 9 December 2021
- Marriage Record, [REDACTED]
- DA Form 5016 (Chronological Statement of Retirement Points)

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 to his dates of service from 27 May 2016 through 30 June 2017 to show he served in the USAR. Although he was ordered to active duty pursuant to Orders CR-225-0020, dated 12 August 2016, those orders

were subsequently revoked on 15 August 2016. This oversight has resulted in an erroneous debt. He also seeks correction of his retirement points to show he served on active duty from 2 February 2000 through 3 August 2014. In addition, he requests his mailing address after separation on his DD Form 214 to reflect his current mailing address. Furthermore, he requests the nearest relative on his DD Form 214, changed from his former spouse to his current spouse.

3. The applicant provides:

a. Verification of dissolution of marriage from the Department of Health and Environment, [REDACTED] shows the applicant and his former spouse, Ms. [REDACTED] were issued a divorce decree on [REDACTED]

b. A letter issued by the VA, dated 9 December 2021, which shows the applicant's two periods of active service in the RA:

- 2 February 2000 through 3 August 2014
- 27 May 2016 through 30 June 2017

c. Marriage record for the state of [REDACTED] showing he was married to Ms. [REDACTED]
A. on [REDACTED]

d. DA Form 5016, dated 23 September 2023, which accounts for of all retirement points he has earned through various types of service to date, including active duty, inactive duty training, and other qualifying service, for a total of 7 years, 6 months, and 0 days.

4. The applicant is authorized additional awards currently not on his DD Form 214. Item 13 (Awards) on his DD Form 214 for the period ending 3 August 2014, will be administratively corrected in the "Administrative Notes" section of this document without Board action.

5. The applicant's service record shows:

a. He enlisted in the RA on 2 February 2000, followed by multiple reenlistments.

b. The applicant has service in Iraq from 12 February 2004 through 15 March 2005.

c. His DD Form 214, shows he was honorably discharged from active duty on 3 August 2014 due to the completion of his required active service. He completed 14 years, 6 months, and 2 days. His grade at the time of discharge was sergeant (SGT)/E-5. This document also provides:

(1) He was awarded and/or qualified for the following awards:

- Army Good Conduct Medal (4th award)
- National Defense Service Medal
- Global War on Terrorism Expeditionary Medal
- Global War on Terrorism Service Medal
- Noncommissioned Officer Professional Development Ribbon
- Army Service Ribbon

(2) Item 19a (Mailing Address After Separation) shows: [REDACTED]

(3) Item 19b (Nearest Relative) shows: [REDACTED]

d. Orders CR-225-0020, dated 12 August 2016 show he was ordered to active duty in support of OIF. These orders were subsequently revoked pursuant to Orders CR-225-0020 (R), dated 15 August 2016.

e. DA Form 5016, dated 2 September 2024, accounts for all retirement points he has earned through various types of service to date, including active duty, inactive duty training, and other qualifying service, for a total of 15 years, 5 months, and 29 days. This document also shows in pertinent part:

- 2 February 2000 through 2 August 2014, service in the RA
- 2 February 2016 through 2 August 2018, service in the Troop Program Unit (TPU) in the USAR. This period includes the dates from 27 May 2016 through 30 June 2017, which pertain to the applicant's request

6. On 27 August 2024, the Headquarters, U. S. Army Reserve Command (USARC) provided an advisory opinion for this case and recommended full administrative relief in regard to the applicant's request. USARC reviewed the applicant's documents and determined he should be awarded the points correction. The Soldier provided copies of the DD Form 214 needed to update the DA Form 5016. Due to no fault of the Soldier, the switch from active component to the USAR did not transfer the recorded time.

7. On 6 June 2024, a representative with the Case Management Division (CMD) of the Army Review Boards Agency (ARBA) provided the applicant with a copy of the advisory opinion for review and/or comment.

8. On 10 June 2024, the applicant provided the following response:

a. He requested a correction to his military records due to his retirement points reflecting only his reserve time, while omitting his active duty service from 2000 through 2014.

b. He has not received his retirement letter due to this error. He kindly requests that his points accurately reflect his total time of service, so he may begin his retirement process.


BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation and the findings and recommendations outlined in the USARC advisory opinion, the board concluded there was sufficient evidence of an error which warrants correction. Based upon the information outlined on the applicant's DD Form 214, for the period ending 3 August 2014, and the information currently annotated on the applicant's DA Form 5016, dated 23 September 2023, the Board concluded the active duty service reflected on the applicant's DD Form 214 was not properly noted and warrants correction.

However, based upon the regulatory guidance on preparation of a DD Form 214 stating information annotated on the document is information at the time of the document's publication and does not change unless an error in the information was present on the date of publication, the Board concluded there was insufficient evidence to change the applicant's address and nearest relative information.

BOARD VOTE:


Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending the applicant's DA Form 5016, dated 23 September 2023, by adding his active duty service from 2000-2014.
2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to changing the applicant's DD Form 214 information.
3. The Board noted the administrative notes below from the analyst of record and recommended those changes also be completed to more accurately reflect the military service of the applicant.

5/4/2025


XCHAIRPERSON


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.

ADMINISTRATIVE NOTE(S):

A review of the applicant's records shows he is authorized additional awards for the period ending 3 August 2014, currently not on his DD Form 214. As a result, amend item 13 (Awards) by adding: Iraq Campaign Medal with two bronze service stars.

- Transition of Iraq 2 May 2003 to 28 June 2004
- Iraqi Governance 29 June 2004 to 15 December 2005

REFERENCES:

1. Title 10 (Armed Forces), United States 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 Army Board for Correction of Military Records (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), currently in effect, 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. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. Army Regulation 635-5 (Separation Documents) establishes the standardized policy for preparing and distributing the DD Form 214. The regulation provides that 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. It is important that information entered on the form be complete and accurate and reflects the conditions as they existed at the time of separation.

4. Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength and Accounting Records), prescribes the types of training and activities for which retirement points are authorized and the procedures for recording retirement point credits and training for U.S. Army Reserve (USAR) Soldiers.

a. A qualifying year of service for non-regular retired pay is a full year during which a Reserve Component member is credited with a minimum of 50 retirement points. Except as otherwise provided by law, an accumulation of 20 such years is one requirement necessary to qualify for non-regular retired pay. The Anniversary Year Ending (AYE) date is the annual date that a Soldier's retirement point record is closed out. It is utilized when referring to retirement points accounting.

b. Paragraph 2-2, (Criteria for Earning Retirement Points) states retirement points may be earned by USAR Soldiers for active duty (AD), or while in an active Reserve status, for ADT, initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), AT, and IDT.

//NOTHING FOLLOWS//