

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 June 2024

DOCKET NUMBER: AR20230012046

APPLICANT REQUESTS: correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show:

- her rank/grade as specialist (SPC)/E-4 vice private first class (PFC)/E-3
- her separation date as 2 November 2015 vice 27 January 2014
- her service-connected disability be listed

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

- DD Form 149 (Application for Correction of Military Record)
- Army National Guard (ARNG) Honorable Discharge Certificate, 2 November 2015
- ARNG Retirement Points History Statement, 10 November 2015
- Department of Veterans Affairs (VA) Rating Decision, 16 June 2023

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 :

- the current DD Form 214 has her separation date as January 2014; this is incorrect; the correct separation date should be 2 November 2015
- the current DD Form 214 has her rank as PFC/E-3; this is incorrect; she was discharged as a SPC/E-4
- she has a service connected disability; she would like this service-connection disability listed on her DD Form 214 and her VA pay to reflect as an E-4
- she does not want a DD Form 215 (Correction to DD Form 214); she wants a new DD Form 214

3. A review of the applicant's service records show:

- a. She enlisted in the ■■■ ARNG, in the grade of private/E-1 on 6 February 2013.
 - b. She was advanced in the ARNG, to private/E-2 on 26 February 2013, and to PFC/E-3 on 7 March 2013.
 - c. She entered active duty for training (ADT) on 20 August 2013, in the grade of PFC/E-3 and completed training for award of military occupational specialty 92A (Automated Logistical Specialist).
 - d. She was honorably released from active duty for training, to the control of her ARNG unit, on 27 January 2014, in accordance with Chapter 4 of Army Regulation (AR) 635-200 (Active Duty Enlisted Administrative Separations) due to completion of her required active service. Her DD Form 214 for this period of service shows she completed 5 months and 8 days of active service. It also shows in:
 - item 4a (Grade, Rate or Rank): PFC
 - item 4b (Pay Grade): E03
 - item 12b (Separation date This Period): 2014-01-27
 - item 12i (Effective Date of Pay Grade): 2013-03-07
 - e. After her release from active duty, her commander promoted her to SPC/E-4 on 1 April 2015.
 - f. She was honorably discharged from the ■■■ ARNG on 2 November 2015. Her NGB Form 22 (National Guard Bureau Report of Separation and Record of Service) shows she was discharged in accordance with National Guard Regulation 600-200 (Enlisted Administrative Separations), paragraph 6-35c due to pregnancy. Her NGB Form 22 shows she completed 2 years, 8 months, and 27 days of ARNG service. It also shows in:
 - item 5a (Rank): SPC
 - item 5b (Pay Grade): E4
 - item 7 (Date of Rank): 1 April 2015
 - item 8b (Effective Date): 2015-11-02
4. The applicant provides:
- Honorable Discharge Certificate, reflective of her discharge from the ARNG as an E-4 on 2 November 2015
 - VA Rating Decision, dated 16 June 2023, indicating the VA awarded her service-connection for one or more conditions at the rate of 30%

5. The term “service-connected” is a term that is used by the VA. It is not used by the Army. A VA service-connected disability is an injury or disease that was incurred in or aggravated beyond normal progression during active military service. Service-connected disabilities can apply to both physical and mental health conditions. Questions related to VA eligibility, percentage, and/or pay should be addressed to the VA.

6. 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:

After reviewing the application and all supporting documents, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy, and regulation. Upon review of the applicant's petition and available military records, the Board determined:

a. Her record is absent evidence that shows she was promoted to specialist (SPC)/E-4 prior to her release from active duty training on 27 January 2014. Her records indicate she was promoted to SPC/E-4 on 1 April 2015, after her release from active duty training and return to the Army National Guard (ARNG). The Board noted the applicant's NGB Form 22 accurately reflects her rank of SPC upon her discharge from the ARNG.

b. Her DD Form 214 for the period ending 27 January 2014 accurately reflects her release from active duty training and return to the ARNG. After her release, she was subsequently discharged from the ARNG as annotated on her NGB Form 22. The Board noted the applicant's NGB Form 22 accurately reflects her discharge from the ARNG as 2 November 2015.

c. The Board noted the applicant provided her Department of Veterans Affairs disability confirmation indicating the applicant is service-connected for generalized anxiety disorder; however, further noted there is no provision to annotate this information on the applicant's DD Form 214.

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.

7/1/2024

X 

CHAIRPERSON



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 635-8 (Separation Processing and Documents), in effect at the time, prescribed the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214. 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. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214. The specific instructions for:

a. Blocks 4a/4b Block 4: Grade, Rate, or Rank/Pay Grade, Verify that active duty grade or rank and pay grade are accurate at time of separation.

b. Block 12b: Separation Date This Period. List the Soldier's transition date. This date may not be the contractual date if the Soldier was separated early, voluntarily extends, is extended to make up lost time, or is retained on active duty for the convenience of the Government.

c. Block 12i: Effective Date of Pay Grade. From the most recent promotion document (or reduction instrument), enter the effective date of promotion or reduction to the current pay grade.

//NOTHING FOLLOWS//