

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 July 2024

DOCKET NUMBER: AR20230012176

APPLICANT REQUESTS: correction of his records to show the date he entered the Regular Army (RA) as 20 November 2005 on the following:

- DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States), dated 18 November 2005
- DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 5 November 2013

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

- Two DD Forms 149 (Application for Correction of Military Record)
- DD Form 214, U.S. Navy (20 August 1998 to 19 November 2005)
- DD Form 214, U.S. Army (18 November 2005 to 5 November 2013)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). 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 previously served in the U.S. Navy (USN) and he transferred to the RA under the "Blue to Green" program.

a. The USN separated him on 19 November 2005 and immediately following his release from the USN, he entered active duty in the RA. In 2013, the Army placed him on the Permanent Disability Retired List, and he now works as a Department of the Army civilian.

b. The applicant elected to buy back his active duty service for his civilian retirement; however, the Defense Finance and Accounting Service told him they could not process his buy-back request because the Army had incorrectly listed 18 November

2005 as the date he entered the RA. When he reached out to the USN about the error, the Navy stated it had conducted an investigation and found no error on its part.

3. A review of the applicant's service record shows:

a. On 20 August 1998, the applicant enlisted in the USN. On 19 November 2005, he was released from active duty and transferred to the Naval Reserve.

b. On 18 November 2005, he enlisted in the RA.

c. On 5 November 2013, he was honorably retired due to permanent disability. His DD Form 214 shows he completed 7 years, 11 months, and 18 days of active service. It also shows in:

- Item 12a (Record of Service – Date Entered AD (active duty) This Period) – 18 November 2005
- Item 12d (Total Prior Active Service) – 4 years
- Item 12e Total Prior Inactive Service) – 3 years, 2 months, and 28 days

BOARD DISCUSSION:

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 evidence of record shows the applicant served in the U.S. Navy from 20 August 1998 to 19 November 2005. He was issued a U.S. Navy DD Form 214 that credited him with 7 years and 3 months of net active duty USN service and no inactive service.

a. One day prior to his separation from the U.S. Navy, he enlisted in the Regular Army on 18 November 2005. He ultimately retired due to disability on 5 November 2013. His Army DD Form 214 shows he completed 7 years, 11 months, and 18 days of active duty RA service. The Army DD Form 214 erroneously listed his date of entry as 18 November 2005. The correct date should be one day after his separation from the U.S. Navy because a service member cannot be assigned to two different components of the armed forces on the same day.

b. The Board reviewed and determined that his Army DD Form 214 contains multiple errors. Item 12a (Record of Service – Date Entered AD (active duty) This Period) – shows 18 November 2005 when it should be 20 November 2005, one day after his separation from the U.S. Navy. Also, Item 12d (Total Prior Active Service) – shows 4 years. This should be 7 years and 3 months. Additionally, his Army DD Form 214 shows in Item 12e Total Prior Inactive Service) – 3 years, 2 months, and 28 days. This should be zero since he had no prior inactive service.

c. Based on the foregoing, the Board determined the applicant's DD Form 214 contains errors that should be corrected.

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 records of the individual concerned be corrected by amending the applicant's Army DD Form 214 ending on 5 November 2013 as follows:

- Block 12a, delete 2005-11-18 and add 2005-11-20
- Block 12c, delete 0007-11-18 and add 0007-11-17
- Block 12d, delete 0004-00-00 and add 0007-03-00
- Block 12e, delete 0003-02-28 and add 0000/00/00

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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, USC, 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 601-210 (RA and Army Reserve Enlistment Program), in effect at the time, prescribed eligibility criteria, policies, and procedures for enlistment and processing of persons into the RA and the U.S. Army Reserve. Paragraph 3-20b (Verification of Prior Service) stated prior military service can be verified by reviewing an original or certified copy of the applicant's latest DD Form 214.

3. AR 635-5, in effect at the time, included policies and procedures of DD Form 214 preparation.

a. Paragraph 2-3 (Source Documents). Use the following documents when preparing a DD Form 214WS (Worksheet):

- Enlisted record brief (ERB) (computer generated)
- Separation approval authority documentation, if applicable
- Separation order.
- Any other document authorized for filing in the Official Military Personnel File

b. Item 12a. Enter the beginning date of the continuous period of AD for issuance of this DD Form 214, for which a DD Form 214 was not previously issued.

//NOTHING FOLLOWS//