

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 July 2024

DOCKET NUMBER: AR20230012179

APPLICANT REQUESTS:

- a DD Form 214 (Certificate of Release or Discharge from Active Duty) for his active duty training
- 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)

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 enlisted in the U.S. Reserves (USAR) in January 1999. He opted to enlist as a 91D and entered under the Specialized Training for Army Readiness (STAR) program; this program gave the enlistee the opportunity to choose a medical trade school of their choice and similar to one provided by the Army. The USAR approved his training to be completed at Premier Career College. In July of 2000, after completion at the trade school, he was activated for approximately 30 days to report to Madigan Army Medical Center at Fort Lewis for the purpose of MOS (Military Occupational Specialty) evaluation. He was then approved for the 91D MOS and awarded the rank of E4. However, there is nothing in his paperwork from the National Personnel Records Center/National Archives that show any time served at Fort Lewis. He is currently employed by the Federal Government as a civilian and is trying to purchase his military time. He would like the dates specified to be added into his military paperwork, and a copy sent to him as proof. He has made all attempts to contact his former unit for assistance, but all attempts have been unsuccessful.
3. A review of the applicant's service record shows:
 - a. He enlisted in the USAR on 21 January 1999.

b. On 21 January 1999, DA Form 7004-R (Addendum to Certificate of Acknowledge of Service Requirements – For Enrollment into the U.S. Army Reserve Specialized Training for Army Readiness (STAR) Program) indicates the applicant's acknowledgment of acceptance into the USAR Specialized Training for Army Readiness (STAR) Program and his acceptance to attend Premiere Career College in order to complete training for the 91D MOS (Operating Room Specialist).

c. His DA Form 2A USAR (Personnel Qualification Record – Enlisted) indicates in Section II, item 18 that he completed 3 months of active federal service.

d. Orders 13-14 dated 25 January 1999, ordered him to initial active duty training (IADT) for approximately 10 weeks for attendance at basic training under the alternate (Split) training program.

e. He was issued a DD Form 220 (Active Duty Report) on 20 August 1999, which shows the applicant reported to basic training on 16 February 1999 and departed Fort Sill, OK on 29 April 1999 after completion of basic training.

f. Orders I-06-0000086A01 dated 10 August 2000, ordered him to Madigan Army Medical Center, Tacoma, WA, to complete proficiency training for awarding of the 91D, Operating Room Specialist, MOS for 26 days with a report date of 17 July 2000.

g. Orders 223-1 dated 10 August 2000 and a MOS award notification memorandum from an instructor at Madigan Army Medical Center; show he completed training at Madigan Army Medical Center from 17 July 2000 to 11 August 2000 and graduated from the 91D Specialized Training for Army Reserve Readiness (STARR) Program on 11 August 2000 and awarded the MOS.

h. Orders 01-163-057 dated 12 June 2001, discharged the applicant honorably from USAR with an effective date of 15 April 2001.

4. 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.

5. By regulation (AR 635-5), 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. A DD Form 214 will be prepared for each Soldier as indicated below.

a. Paragraph 1-4(1)(c) states a DD Form 214 is issued after completing initial active duty for training which resulted in the award of an MOS, even though the active duty was less than 90 days. This includes completion of AIT under the ARNGUS Alternate Training Program or USAR Split Training Program.

b. Paragraph 2-13 states complete two copies of the DD Form 220, upon completion of the basic training portion for members enlisted under the USAR Split Training Program and the ARNGUS Alternate Training Program.

BOARD DISCUSSION:

1. The Board determined 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.
2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant completed basic training from 16 February to 29 April 1999 and was issued a DD Form 220 (Active Duty Report) for this period of active service. He was assigned to Madigan Army Medical Center to complete proficiency training for awarding of the 91D, Operating Room Specialist MOS, for 26 days from 17 July 2000 to 11 August 2000. A DD Form 214 is issued after completing initial active duty for training at a formal training center that results in the award of an MOS. In this case, the applicant did not attend formal schooling for award of MOS 91D. He attended proficiency training. Therefore, the Board determined a DD Form 214 is not appropriate. However, in order to record his 26 days of active service for proficiency training, the Board determined issuance of a DD Form 220 or Certificate of Service is appropriate.

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 the Army records of the individual concerned be corrected by issuing the applicant a DD Form 220 or Certificate of Service for his active service from 17 July 2000 to 11 August 2000.

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 issuing the applicant a DD Form 214 for the period 17 July to 11 August 2000.

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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), in effect at the time, states 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. A DD Form 214 (Certificate of Release or Discharge from Active Duty) will be prepared for each Soldier as indicated below.

a. Paragraph 1-4(1)(c) states a DD Form 214 is issued after completing initial active duty for training which resulted in the award of an MOS, even though the active duty was less than 90 days. This includes completion of AIT under the ARNGUS Alternate Training Program or USAR Split Training Program.

b. Paragraph 2-13 states complete two copies of the DD Form 220, upon completion of the basic training portion for members enlisted under the USAR Split Training Program and the ARNGUS Alternate Training Program.

//NOTHING FOLLOWS//