

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 July 2024

DOCKET NUMBER: AR20230012253

APPLICANT REQUESTS: in effect, the DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) of her deceased husband, a former service member (SM) be corrected to show his active and Reserve service.

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

- DD Form 149 (Application for Correction of Military Record)
- SM's DD Form 214, for the period ending 16 January 1971
- SM's Certificate of Death

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 creditable service must be corrected to reflect actual time served in order for her to receive her deceased spouse's death benefits as a veteran. His digital service records do not match his DD Form 214.
3. The SM's complete service records are not available for review. An exhaustive search was conducted to locate his records which are necessary in the processing of his case, but they could not be found. This case is being processed based on evidence submitted by the applicant.
4. The SM's DD Form 214 shows:
 - a. The SM enlisted in the U.S. Army Reserve (USAR) on or about 9 November 1969 for 6 years.
 - b. The SM was ordered to and entered active duty for training (ADT) on 21 August 1970. He completed training for award of military occupational specialty 73C, Finance/Pay Disbursement Specialist.

c. The SM was honorably released from ADT on 16 January 1971, and reverted back to his Utah USAR unit. He completed 4 months and 26 days of active service. Block 22 (Statement of Service) shows the following entries:

- 22a(1) (Net Service This Period) 4 months and 26 days [active duty service from date of entry on active duty to date of separation from active duty]
- 22b(2) (Other Service) 9 months and 12 days [inactive duty from date of enlistment in the Reserve to one day prior to entry on active duty]
- 22a(3) (Total) 1 year, 2 months, and 8 days
- 22b (Total Active Service) 4 months and 26 days

5. The available record does not reflect if the SM completed another period of active service of at least 90 continuous active duty days which could have warranted the issuance of another DD Form 214.

6. 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. Block 22 reflects creditable service as follows (for enlisted personnel):

- Item 22a(1): total service completed between the date of entry on active duty and effective date of release from active duty.
- Item 22a(2): all prior service excluding any service shown in item 22a(1). This includes any period served in the USAR or ARNGUS (Army National Guard of the United States) as a reservist not on active duty during current enlistment
- Item 22a(3): Self-explanatory.
- Item 22b: total active service the individual has completed beginning with the earliest period of active service up to and including current period of active duty, less any period served in the ARNGUS or USAR not on active duty, and less time lost

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, 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 the applicant entered active duty for training as a member of the U.S. Army Reserve (USAR) from 21 August 1970 to 16 January 1971. He was released to

the USAR. There is no indication the applicant served on active duty after his release from active duty training to the USAR on 16 January 1971. The Board noted the DD Form 214 is a summary of continuous active duty and provides a record of all active and inactive service at the time of release.

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.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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 635-5 (Separation 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. Block 22 reflects creditable service as follows (for enlisted personnel):

a. Item 22a(1): Enter total service completed between the dates shown in Item 10c (Date Inducted) or 17c (Date of Entry) and Item 11d (Effective Date of Separation) of the DD Form 214, as represented by continual and foreign service, less time lost.

b. Item 22a(2): Enter all prior service excluding any service shown in item 22a(1). This includes any period served in the USAR or ARNGUS (Army National Guard of the United States) as a reservist not on active duty during current enlistment

c. Item 22a(3): Self-explanatory.

d. Item 22b. Enter total active service the individual has completed beginning with the earliest period of active service up to and including current period of active duty, less any period served in the ARNGUS or USAR not on active duty, and less time lost under title 10, United States Code, section 972.

//NOTHING FOLLOWS//