

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 October 2024

DOCKET NUMBER: AR20230012480.

APPLICANT REQUESTS: correction of his date of entry on his 26 August 1971 DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge).

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

- DD Form 149 (Application for Correction of Military Record)
- Enlistment Contracts (2)
- Special Orders 244
- DA Form 20 (Enlisted Qualification Record) (page 1 only)
- DA Form 3327 (Individual/Organizational Clothing And Equipment 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 his date of entry on his DD form 214 is incorrect. The documentation shows he was in the service earlier than shown on his DD Form 214.
3. The applicant enlisted in the U.S. Army Reserved (USAR) under the delayed entry program on 14 November 1967. He was released from the USAR on 12 March 1968 to enlist in the Regular Army (RA) on 13 March 1968 [3 months and 28 days].
4. He completed training with award of the military occupational specialty 68B (Wheeled Vehicle Mechanic ) with assignment to Germany from 9 August 1968 through 17 June 1970. The highest grade he held was E-5.
5. Headquarters Kaiserslautern Army Depot Special Orders Number 244, dated 25 November 1968, shows the applicant was honorably discharged on 26 November 1968 with an immediate reenlistment on 27 November 1968 [a period of 3 months and 28 days]. The orders indicate he was issued a DD Form 256A (Honorable Discharge Certificate). However, there is no reenlistment document, DD Form 214, or a copy

DD Form 256A for the period 13 March 1968 to 26 November 1968 [8 months and 15 days].

6. The applicant's DA Form 20 lists his awards as the Army Good Conduct Medal, National Defense Service Medal, Expert Qualification Badge with Rifle Bar, and the Marksman Qualification Badge with Pistol Bar.

7. The applicant was released from active duty and transferred to the USAR on 26 August 1971. The DD Form 214 he was issued shows:

- separation under the provisions of Army Regulation 635-200, Chapter 5 for a school release
- separation in the pay grade of E-5
- his service characterization was honorable
- a date of entry on 27 November 1968 for 3 years
- 2 years and 9 months of net service this period
- 1 year and 12 days of other service
- 3 years, 9 months, and 12 days of total service
- 3 years, 5 months, and 14 days total active service
- award of the Army Good Conduct Medal, National Defense Service Medal, and the Expert Qualification Badge with Rifle Bar

8. In determining whether to grant relief the Boards for Correction of Military/Navy Records (BCM/NR) can consider the applicant's petition, arguments and assertions, and service record in accordance with the published equity, injustice, or clemency guidance.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined the applicant was enlisted in the U.S. Army Reserved (USAR) under the delayed entry program on 14 November 1967. Evidence in the record shows the applicant did not enter active duty until 13 March 1968. Although there is no re-enlistment contract, the applicant's first enlistment ended 26 November 1968, whereas he was issued a DD Form 256A (Honorable Discharge Certificate). The Board noted, based on regulatory guidance re-issuance of an DD Form 214 is not authorized.

2. The governing regulation provides that at separation the service member's record will be used to enter accurate information when completing their DD Form 214, a summary of a specific period of active-duty service. The Board agreed, the applicant's second enlistment period is correct on his DD Form 214 for the period ending 26 August 1971. The Board found partial relief is warranted by issuing the applicant a statement of service for that period of service from 13 March 1968 to 26 November 1968.

3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the administrative notes annotated by the Analyst of Record (below the signature), 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 statement of service for the period 13 March 1968 to 26 November 1968, showing this period of service as honorable.
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 correction of the applicant's date of entry on his 26 August 1971 DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge).

[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.

ADMINISTRATIVE NOTE(S):

A review of the applicant's record shows his DD Form 214, for the period ending 26 August 1971 is missing an entry that does not require Board action. As a result, amend the DD Form 214 by adding the following entry to item 24 (Decoration, Medals, Badges, Citations, and Campaign Ribbons); the Marksman Qualification Badge.

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, as then in effect, governed the preparation of the DD Form 214. It stated that:

- Item 17c (Date of Entry) will be completed to show the beginning date of the continuous period of AD for which a DD Form 214 was not previously issued
- Item 22a(1) (Net service this period) will be completed to show the net service this period
- Item 22a(2) (Other Service) will be completed to show the amount of all other service
- Item 22a(3) (Total service ) will be completed to show the total period of service
- Item 22b (Total Active Service) will be completed to show the total of active service for all periods
- Item 24 (Decoration, Medals, Badges, Citations, and Campaign Ribbons):

3. The Under Secretary of Defense for Personnel and Readiness issued guidance to DRBs and BCM/NR on 25 July 2018, regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. BCM/NRs may grant clemency regardless of the court-martial forum. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to any other corrections, including changes in a discharge, which may be warranted on equity or relief from injustice grounds.

a. This guidance does not mandate relief, but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, Boards shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

b. Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

//NOTHING FOLLOWS//