

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 July 2024

DOCKET NUMBER: AR20230012884

APPLICANT REQUESTS:

- in effect, a DD Form 214 (Certificate of Release or Discharge from Active Duty) to be issued for his period of active service
- 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)
- U.S. Army Reserve Components Personnel and Administration Center (RCPAC) 21 April 1981
- RCPAC Orders T-11-050733, dated 8 November 1981
- Military Identification Card
- Letter of Commendation
- DA Form 137 (Installation Clearance Record), dated 18 May 1982
- Ordnance Center and School Diploma, dated 18 May 1982
- Honorable Discharge Certificate, dated 19 September 1986
- Applicant Letter, dated 13 September 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 he is requesting a DD Form 214 for serving more than 90 days during active duty for training (ADT). His period of service on ADT meets the requirement to receive a DD Form 214. The documents provided in support of his request are all notarized and verified by the Arkansas County Department of Veterans Affairs (VA) office. He was unable to obtain accurate documents from anyone other than himself.
3. The applicant provides:

a. An RCPAC letter, dated 21 April 1981, shows the applicant will start Officer Basic Course (OBC) on 6 January 1982 and complete OBC on 18 May 1982.

b. An RCPAC orders T-11-050733, dated 8 November 1981, shows that the applicant was ordered to ADT with a report date 6 January 1982 for a period of 133 days, plus allowable travel time.

c. The two forms of U.S. Armed Forces Identification Cards with the applicant personnel identification information (PII).

d. A letter of commendation dated 26 April 1982, from the U.S. Army Ordnance Center and School Commander to the applicant. He thanked the applicant on behalf of the Second Battalion and Company G for the outstanding contributions which the applicant had made within the organization. The applicant's hard work as the Platoon Leader, while enrolled in the Ordnance Officer Basic Course. The applicant provided leadership, understanding, and good judgment.

e. A DA Form 137 (Installation Clearance Record) dated 18 May 1982, shows the applicant cleared the installation.

f. On 18 May 1982, the applicant received a diploma from the Ordnance Center and Schools for successfully fulfilling all requirements, he was declared a graduate of the Ordnance Officers Basic Course (Maintenance Management).

g. On 19 September 1986, the applicant received an Honorable Discharge Certificate.

h. The applicant provides a letter to the National Personnel Records Center (NPRC) attention to Mr. J.D. informing him that NPRC provided the applicant a new request number and the applicant has attached notarized copies of all his original U.S. Army documents. These documents will show that he served more than 90 days on active duty for training.

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

a. A DD Form 4/1 (Enlistment/Reenlistment Document – Armed Forces of the United States) shows the applicant enlisted as a cadet in the U.S. Army Reserve on 3 September 1979 for a period of 6 years.

b. On 12 December 1981, he was appointed as a Reserve commissioned officer and executed an oath of office on the same day.

c. A DA Form 1059 (Service School Academic Evaluation Report) shows on 18 May 1982, the applicant achieved all course standards required to successfully complete the Ordnance Officers Basic Course 3-82 for the period of 5 January 1982 to 18 May 1982.

e. Orders C-04-911654 dated 10 March 1985 reassigned the applicant to the USAR Control Group (Standby) with an effective date of 15 April 1985.

f. Orders D-09-910927 dated 19 September 1986 honorably discharged the applicant from the USAR with an effective date 19 September 1986.

g. The applicant's service record is void of any further documentation that shows a DD Form 214.

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 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. The evidence of record shows the applicant was appointed as a Reserve commissioned officer on 12 December 1981. The applicant completed the resident Ordnance Officer Basic Course from 6 January 1982 to 18 May 1982. The Board determined the applicant served on active duty for a period of 4 months and 13 days for the duration of this course and therefore met the criteria for issuance of a DD Form 214 as requested.

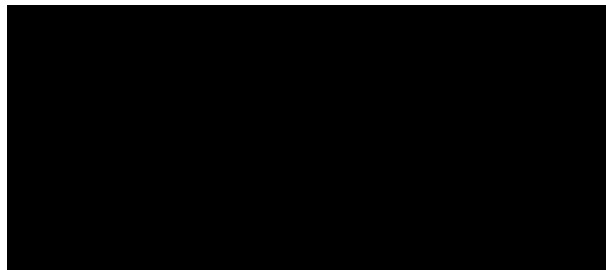
BOARD VOTE:

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 Army records of the individual concerned be corrected by issuing the applicant a DD Form 214 for the period 6 January 1982 to 18 May 1982.



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. By AR 600-8-24 (Personnel-General - Officer Transfers and Discharges), when an officer's tour of active duty is terminated due to discharge, retirement, or REFRAD, the period of service will be characterized as "Honorable," "General" ("Under Honorable Conditions"), "Under Other Than Honorable," or "Dishonorable" (warrant officers who do not hold a commission only), depending on the circumstances. The character of service will be predicated on the officer's behavior and performance while a member of the Army. Characterization normally will be based on a pattern of behavior and duty performance rather than an isolated incident. However, there are circumstances in which conduct reflected by a single incident may provide the basis of characterization of service.

a. Paragraph 1-22 a, honorable characterization of service. An officer will normally receive an Honorable characterization of service when the quality of the officer's service has met the standards of acceptable conduct and performance of duty, or the final revocation of a security clearance under DODD 5200.2-R and AR 380-67 for reasons that do not involve acts of misconduct, for an officer. Department of Defense (DD) Form 256A (Honorable Discharge Certificate) will be furnished to a discharged officer; however, a certificate is not issued when an officer is released from active duty. When the separation is based solely on preservice activities, substandard performance of

duty, or final revocation of a security clearance under DODD 5200.2–R and AR 380–67 for reasons that do not involve acts of misconduct, it will be Honorable.

b. Paragraph 1-22 g, release or discharge from active duty. A DD Form 214 (Certificate of Release or Discharge from Active Duty) will be furnished as prescribed in AR 635–5 to an officer who is separated from active duty after completing 90 calendar days of continuous active duty.

4. Army Regulation 635-8 (Separation Processing and Documents), 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. Paragraph 5-1 (When to Prepare the DD Form 214) states a DD Form 214 will be prepared for Soldiers in the following categories:

- RA Soldiers on termination of active duty because of administrative separation
- RC Soldiers completing 90 days or more days of continuous active duty. For example, such periods may consist of ADOS, contingency operations-ADOS, active duty operational support-RC, AGR, or full-time National Guard duty for operational support
- RC Soldiers separated for cause or physical disability regardless of the length of time served on active duty
- Recalled retirees on active duty reverting to retired status regardless of the period of active duty service
- ARNGUS and USAR Soldiers mobilized under 10 USC 12301 or 32 USC 502, regardless of length of mobilization, when transitioned from active duty.

//NOTHING FOLLOWS//