

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 July 2024

DOCKET NUMBER: AR20230013150

APPLICANT REQUESTS: correction of his U.S. Army Reserve enlistment contract to reflect a 6-year service obligation vice a 4-year service obligation.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4187 (Personnel Action), 23 February 2022
- DA Form 3540 (Certificate and Acknowledgement of U.S. Army Reserve Service Requirements and Methods of Fulfillment), 23 February 2022
- U.S. Army Reserve (USAR) Applicant Data Report, 2 March 2022
- U.S. Army Human Resources Command (HRC) Orders C-03-203626, 4 March 2022

FACTS:

1. The applicant states he is requesting correction of his enlistment contract to show a 6-year service obligation for eligibility for the GI Bill.

2. The applicant provides:

a. A DA Form 4187 (Personnel Action), 23 February 2022, in which the applicant requests to be reassigned to the 7207th Medical Support Unit.

b. A DA Form 3540 (Certificate and Acknowledgement of U.S. Army Reserve Service Requirements and Methods of Fulfillment), 23 February 2022, that shows the applicant requested transfer or reassignment to a troop program unit (TPU) or an individual mobilization augmentee (IMA) duty position of the USAR.

c. A USAR Applicant Data Report that shows the applicant has a reservation with an expected arrival date of 2 March 2022, as a Behavioral Health Specialist assigned to the 7207th Medical Support Unit, with a term of 6 year.

d. Orders C-03-203626 issued by HRC, dated 4 March 2022, that show he was released from USAR Control Group and assigned to the 7207th Medical Support Unit, effective 2 March 2022.

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

a. On 10 May 2017, he enlisted in the USAR for a statutory 8 year term of which 4 years would be served in the Reserve Component of the Service in which he enlisted. He agreed to serve 4 years in a troop program unit and 4 years as a member of the Individual Ready Reserve.

b. Orders: 7240002 issued by the Military Entrance Processing Station on 17 May 2017, ordered the applicant to initial active duty for training (IADT) with a report date of 28 August 2017.

c. He was honorably released from IADT on 22 February 2018. His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 5 months and 25 days of active service. His Reserve Obligation Termination Date is listed as 9 May 2025 (8 years from date of enlistment).

d. On 17 May 2021, Headquarters, 99th Readiness Division published Orders 21-137-00042 honorably reassigning the applicant from his troop program unit to the U.S. Army Reserve Control Group (Reinforcement) effective 17 June 2021 due to expiration of his USAR service obligation.

e. On 4 March 2022, the U.S. Army Human Resources Command published Orders C-03-203626 voluntarily reassigning the applicant from the U.S. Army Reserve Control Group (Reinforcement) to the 7207th Medical Support, effective 2 March 2022 with an expiration date of service as 9 May 2025.

f. On 10 September 2023, the applicant signed a DA Form 4836 (Oath of Extension of Enlistment or Reenlistment) extending his service obligation by one year. His ETS date was changed from 1 March 2024 to 3 January 2025.

g. On 22 April 2024, the applicant reenlisted in the USAR for a term of 6 years, to be effective on 24 April 2024. He understood he is a current member of the U.S. Army Reserve, and he is reenlisting to continue his membership in the U.S. Army Reserve. He is serving under an incurred contractual military service obligation, and he has reenlisted in the U.S. Army Reserve for 6 years.

5. By regulation:

a. A servicemember may be eligible for Post-911 GI Bill benefits once they serve at least 90 days on active duty (either all at once or with breaks in service) on or after September 11, 2001.

b. The Montgomery GI Bill Selected Reserve (MGIB-SR) program is available to members of the Army, Navy, Air Force, Marine Corps or Coast Guard Reserve, Army National Guard, or Air National Guard who:

- have a 6-year service obligation in the Selected Reserve; or
- is an officer in the Selected Reserve and agree to serve 6 years in addition to their initial service obligation
- received a high school diploma or GED before completing IADT

#### BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant enlisted in the USAR on 10 May 2017 for a statutory 8 year term. He contractually agreed to serve 4 years in a troop program unit and 4 years as a member of the Individual Ready Reserve. His enlistment contract clearly states 4 years in a TPU. On 17 May 2021, HQ, 99th Readiness Division published orders honorably reassigning the applicant from his troop program unit to the U.S. Army Reserve Control Group (Reinforcement) effective 17 June 2021 due to expiration of his USAR service obligation. He successfully completed his 4-year contractual obligation. The Board found no error or injustice in his initial enlistment contract. The Board was not persuaded by his argument or reason to change his 4-year agreement into a 6-year agreement and he did not provide the documentary evidence to support such change.




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.

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:

Title 38, United States Code (USC) of Federal Regulations (CFR), Part 21 states:

a. A servicemember may be eligible for Post-911 GI Bill benefits once they serve at least 90 days on active duty (either all at once or with breaks in service) on or after September 11, 2001.

b. The Montgomery GI Bill Selected Reserve (MGIB-SR) program is available to members of the Army, Navy, Air Force, Marine Corps or Coast Guard Reserve, Army National Guard, or Air National Guard who:

- has a 6-year service obligation in the Selected Reserve; or
- is an officer in the Selected Reserve and agrees to serve 6 years in addition to their initial service obligation
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//NOTHING FOLLOWS//