

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 July 2024

DOCKET NUMBER: AR20230013232

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to include his Army National Guard (ARNG) service through 30 December 1994.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending January 1972
- NGB Form 22 (Report of Separation and Record of Service), March 1971 to December 1974
- Orders 361-26, Retired Reserve Orders, 27 December 1994
- Notification of Eligibility for Retired Pay at Age 60, 27 September 1993
- Army National Guard Honorable Discharge Certificate, 30 December 1994

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 there is an error with his service member record. His DD Form 214 and the VA Benefit Summary and Service Verification Letter do not correctly reflect his time of service. His discharge date is reported as 14 January 1972. He has enclosed his Report of Separation and Record of Service, NGB Form 22, which correctly lists the effective date of separation as 30 December 1994. He is requesting that his service record accurately report all his years of service. This correction should be made because it does not accurately report his entire years of service. After discussing this issue with a Veterans Affairs Advocate, he felt he (the applicant) should submit a request to have his service record corrected, as the incorrect date could impact his rating and consideration
3. He enlisted in the Washington Army National Guard (WAARNG) on 24 March 1972.

3. He entered active duty for training (ACDUTRA) on 22 June 1971 and completed training for award of military occupational specialty 63H, Automotive Mechanic.
4. He was honorably released from active duty for training (ACDUTRA) on 14 January 1972 and transferred back to the control of his ARNG unit. His DD Form 214 shows he completed 6 months and 22 days of active service.
5. He continued his service in the ARNG via multiple extensions, completing a variety of assignments, and attained the rank/grade of sergeant first class/E-7.
6. On 27 September 1993, the WAARNG issued him a Notification of Eligibility for Retired Pay at Age 60 (20-Year Letter), informing him he had completed required years of service and would qualify for non-regular retired pay at age 60, upon application.
7. On 27 December 1994, the WAARNG published Orders 361-26 honorably discharging the applicant from the ARNG and transferring him to the Retired Reserve, effective 30 December 1994.
 - a. His NGB Form 22, which is a record of his ARNG service, shows he completed 23 years, 9 months, and 7 days of ARNG service.
 - b. His DA Form 5016, Chronological Statement of Retirement Points, also show she completed 23 years, 9 months, and 7 days of qualifying service towards non-regular retirement at age 60.
8. Aside from ACDUTRA, for which a DD Form 214 was issued, there is no indication he performed any periods of active duty between the date he was released from ACDUTRA (22 June 1971) to the date he was ultimately discharged from the ARNG (30 December 1994) that would have warranted the issuance of a DD Form 214.
9. By regulation (Army Regulations 635-5 and 635-8), the DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active duty service at the time of release from active duty, retirement, or discharge.
10. By regulation (National Guard Regulation 600-200), the NGB Form 22 is a record of ARNG service and is prepared for every Soldier being separated from the ARNG or released from the custody and control of the military, unless the Soldier is being discharged for the purpose of immediate reenlistment, executes an interstate transfer, or the Soldier dies. States should issue the NGB Form 22 within 90 days of separation.

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 as a member of the Army National Guard (ARNG) from 22 June 1971 to 14 January 1972. The Board also determined the applicant was retired from the ARNG on 30 December 1994. There is no indication the applicant served on active duty after his release from active duty to the ARNG on 14 January 1972. 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:

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| : | : | : | 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.

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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 635-5 (Separation Documents) establishes the standardized policy for preparing and distributing the DD Form 214. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service. The DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active duty service at the time of release from active duty, retirement, or discharge, and is not intended to have any legal effect on termination of a Soldier's service. A DD Form 214 will be prepared for each Soldier as indicated:

a. Active Army Soldiers on termination of active duty by reason of administrative separation (including separation by reason of retirement or expiration of term of service), physical disability separation, or punitive discharge under the Uniform Code of Military Justice.

b. Reserve Component (RC) Soldiers completing 90 days or more of continuous active duty training (ADT), Full-Time National Guard Duty, active duty for special work, temporary tours of active duty, or Active Guard Reserve service. Also, RC Soldiers separated for cause or physical disability regardless of the length of time served on active duty.

c. Army National Guard (ARNG) and USAR Soldiers mobilized under Title 10, U.S. Code, sections 12301(a), 12302, or 12304, and ARNG Soldiers called into Federal service under Title 10, U.S. Code, section 12406, regardless of length of mobilization, when transitioned from active duty. A Soldier who reports to a mobilization station and is found unqualified for active duty will be excluded from this provision. He or she will only receive a DD Form 220 (Active Duty Report); and

d. RC Soldiers completing initial ADT that results in the award of an MOS even when the active duty period was less than 90 days. This includes completion of advanced individual training under the ARNG of the U.S. Alternate Training Program or USAR Split Training Program.

//NOTHING FOLLOWS//