

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 July 2024

DOCKET NUMBER: AR20230013532

APPLICANT REQUESTS: correction of his service record to reflect the inclusion of enlisted time while assigned as a Cadet in the Reserve Officers' Training Corps (ROTC) Program from 25 August 1975 to 27 August 1977.

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

- DD Form 149 (Application for Correction of Military Record)
- Personal Letter
- DD Form 4 (Enlistment Contract – Armed Forces of the United States), 25 August 1975
- DD Form 44 (Record of Military Status of Registrant)
- DA Form 597 (Army Senior ROTC Student Contract)
- Letter, Subject: Selection for Active Duty
- Memorandum, Subject: Appointment as a Reserve Commissioned Officer of the Army, dated 14 May 1977
- DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 31 August 1988
- Orders Number 207-16, 26 July 1999
- Orders Number D-07-952386, 27 July 1999
- Retired Reserve Certificate
- ARPC Form 249-2-E (Chronological Statement of Retirement Points), 19 May 2000

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 was in the Army ROTC program at The University of Arizona for 4 years, during the period of 1973-1977. The first 2 years were considered to be elective courses, and he signed an enlistment contract in 1975 with the ROTC as a Cadet and began receiving monthly payments. On 28 August 1977, he was

commissioned as a second lieutenant (2LT), in the Regular Army as an Infantry Officer. He spent 10 years on active duty and was released on 31 August 1988. He entered into the U.S. Army Reserve (USAR) on 1 September 1988 and spent the next 11 years as a Reserve officer. He officially entered the ranks of the Retired Reserve on 1 September 1999. After he signed the enlistment contract with The University of Arizona ROTC program, for his junior and senior year, he began receiving monthly payments. Those 2 years, however; are not included in his total years of military service. His date of entry into military service should have started the day he signed his enlistment contract. That would add two additional years of active duty or reserve duty, to his current 21 years.

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

a. On 25 August 1975, he enlisted in the USAR as a Cadet and was assigned to the USAR Control Group (ROTC).

b. On 15 October 1975, he signed DD Form 44 (Record of Military Status of Registrant) which shows he held the status of a Cadet with the University of Arizona ROTC program and as an enlisted in a Reserve component of the Armed Forces.

c. On 14 May 1977, Headquarters, United States Army Fourth ROTC Region issued a Memorandum for Appointment as a Reserve Commissioned Officer of the Army.

d. His record is void of the DA Form 71 (Oath of Office – Military Personnel) showing he accepted a commission in the Regular Army or Reserve and executed an oath of office.

e. On 15 August 1988, the U.S. Army Soldier Support Center issued Orders Number 228-155 for transition processing and separation, effective 31 August 1988.

f. DD Form 214, ending 31 August 1988, reflects an honorable release from active duty for failure of selection-permanent promotion with transfer to the USAR Control Group. Item 12 (Record of Service) shows service from 28 August 1977 to 31 August 1988, 11 years and 4 days.

g. On 26 July 1999, the 88th Regional Support Command issued Orders Number 207-16 voluntarily reassigning him to the Retired Reserve, effective 1 September 1999.

h. On 27 July 1999, the U.S. Army Reserve Personnel Command issued Orders Number D-07-952386 honorably discharging him from the USAR, effective 27 August 1999.

4. The applicant provides the following:

- a. DA Form 597 showing his contract for enlistment while in the ROTC with the University of Arizona effective 25 August 1977.
- b. Letter, Subject: Selection for Active Duty issued by Headquarters, United States Army Fourth ROTC Region showing he was accepted for entry into active duty.
- c. Retired Reserve Certificate showing his transfer to the Retired Reserve on 1 September 1999.
- d. ARPC Form 249-2-E dated 19 May 2000 showing service with the USAR from 14 May 1977 to 27 August 1999.

**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 enlisted in the U.S. Army Reserve as a Reserve Officers' Training Corps (ROTC) cadet on 25 August 1975. The applicant was appointed as a Reserve commissioned officer on 14 May 1977. The Board noted the applicant's contention and concurred that he participated in the ROTC program; however, statutory guidance prohibits a commissioned officer from computing basic pay for the period served as a member of the ROTC, except for service that the officer performed after 1979. Therefore, the Board denied relief.

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:

1. Title 10, USC, 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. Title 10, USC, section 2106(c), states, in computing length of service for any purpose, an officer appointed under this section may not be credited with enlisted service for the period covered by his advanced training, other than any period of enlisted service performed on or after 1 August 1979, as a member of the Selected Reserve.
3. Title 37, USC, section 205(d), states, notwithstanding subsection (a), a commissioned officer may not count in computing basic pay a period of service after 13 October 1964, that the officer performed concurrently as a member of the Senior Reserve Officers' Training Corps, except for service that the officer performed on or after 1 August 1979, other than for training as an enlisted member of the Selected Reserve may be so counted.

//NOTHING FOLLOWS//