

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 July 2024

DOCKET NUMBER: AR20230013638

APPLICANT REQUESTS: reconsideration of her previous request for:

- Backpay from July 2010 to April 2022
- Personal appearance before the Board

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

- Request for Reconsideration
- DD Form 149 (Application for Correction of Military Record) (previous case)
- Email to the Army Review Boards Agency (ARBA)
- Advisory Opinion (previous case)
- Letter from ARBA
- Information sent to U.S. Army Human Resources Command (AHRC)
- Emails from AHRC
- DA Form 1506 (Statement of Service)
- Email from 1st Space Brigade
- AR20220009310 Record of Proceedings (ROP)
- Email from ARBA
- AR20220009310 Denial
- Army Board for Correction of Military Records (ABCMR) Letter

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20220009310 on 23 June 2023.

2. The applicant states:

a. In response to the decision letter, 17 August 2023, denying her claim for back pay due to a missing document, DA Form 1506, she is requesting reconsideration of her application AR20220009310 for back pay from July 2010 to April 2022.

b. On 31 May 2023, Ms. [REDACTED] Human Resource Analyst, ARBA, sent a letter via DoD SAFE requesting AHRC be contacted for completion and approval of a substantiated DA Form 1506. In accordance with reference 1.b. any adjustments to the pay entry basic date (PEBD) is required to be supported by an approved DA Form 1506.

c. On 31 May 2023, the applicant sent AHRC an SF 180 (Request Pertaining to Military Records) requesting AHRC complete a DA Form 1506. On 20 June 2023, AHRC Customer Care Representative D- [REDACTED] sent an email apologizing for the length of time it took to respond to her request for a DA Form 1506. AHRC opened case #45130089 requesting a DA Form 1506 for her.

d. On 21 June 2023, Mr. [REDACTED] Human Resource Specialist, Veterans Inquiry Branch, AHRC, completed the DA Form 1506 and sent it via DoD SAFE.

e. On 21 June 2023, the DA Form 1506 was sent via email to Ms. [REDACTED]. On 29 June 2023, Ms. [REDACTED] replied to the email stating the documents were uploaded to file AR20220009310.

f. On 21 June 2023, via email, her DA Form 1506 was sent to Major (MAJ) [REDACTED] Army Space and Missile Command. MAJ [REDACTED] uploaded the form into her finance case #27531884.

3. The applicant provides the following documents:

a. Email to ARBA, 12 January 2023, wherein she was checking the status of her application for AR20220009310.

b. Advisory opinion for AR20220009310, states in pertinent part, the required DA Form 1506 with proper supporting documentation was missing. The entire advisory opinion is available for the Board's review. Letter from ARBA, 31 May 2023, informed the applicant of the advisory opinion.

c. Information sent to AHRC states:

(1) She transferred to the Space Force from the Army 1 December 2021. During the transfer, the Air Force verified her military service dates. On 3 October 2022, she submitted an inquiry for the Army to correct her service dates, on 22 March 2023, she received the DA Form 5016 from ARBA, Case Management Division reflecting her corrected PEBD to 27 May 2000.

(2) On 31 May 2023, she received a letter for her Army case requesting a substantiated DA Form 1506 to properly support her back pay request. She had 15 days from 31 May 2023 to get the required documents submitted.

(3) She received a response which stated "after careful review of the information provided, this office does not support the Soldier's request for back pay based upon a PEBD correction request. The required supporting document, DA Form 5016 with proper supporting documentation, is missing. It is our opinion that AHRC be contacted for completion and approval of a substantiated DA Form 1506. Any adjustment to the PEBD is required to be supported by an approved DA Form 1506."

(4) "AHRC analysts are required to verify each period of service reflected on the DA Form 1506 from all available records. Only approved documents will be used to verify and compute the Soldier's creditable service for pay."

d. Emails from AHRC, 20 June 2023, wherein they assigned her a case number and 21 June 2023 wherein the DA Form 1506 had been sent to her.

e. DA Form 1506, 21 June 2023, shows her PEBD as 27 May 2000 and her basic active service date as 14 August 1987.

f. Emails from 1st Space Brigade, 22 June 2023, shows the DA Form 1506 was used to update her Space Force records.

4. The applicant's service record contains the following documents:

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows she enlisted in the U.S. Army Reserve (USAR) on 14 August 1987.

b. DA Form 71 (Oath of Office - Military Personnel), shows she took the oath of office as a Reserve commissioned officer on 10 June 1990.

c. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows she was ordered to active duty, as a member of the USAR, on 20 October 1990 and was honorably transferred to USAR Control Group (Reinforcement) on 30 August 1996. She had completed 5 years, 10 months, and 11 days of net active duty service with 4 months, 20 days of prior inactive duty service.

d. DD Form 214 shows she entered the Regular Army on 21 July 2010 and was honorably separated for interdepartmental transfer on 30 November 2021. She had completed 11 years, 4 months, and 10 days of active duty service with 5 years, 10 months, and 11 days of prior active duty service and 7 years, 1 month, and 9 days of prior inactive duty service.

e. An Officer Record Brief, dated 1 December 2021, shows her pay entry base date (PEBD) as 30 July 2002.

5. The ROP in her previous case, AR20220009310, states after reviewing the application and all supporting documents, the Board found that relief was not warranted. The applicant's contentions, her military service, advisory opinion, and regulatory guidance were carefully considered. The Board noted the required supporting document, DA Form 1506 with proper supporting documentation was missing. The Board concurred with the advisory official finding AHRC analysts are required to verify each period of service reflected on the DA Form 1506 from all available records. Only approved documents will be used to verify and compute the applicant's creditable service for pay; the applicant should contact AHRC for completion and approval of a substantiated DA Form 1506. The Board determined that there was insufficient evidence of an error or injustice to warrant relief in this case. The entire previous case is available for the Board's review.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.

2. The Board found the evidence confirms that there was a discrepancy between the PEBD established for the applicant when she entered active duty in 2010 and the PEBD established upon review by HRC in 2023. An Officer Record Brief in her Army record shows a PEBD of 30 July 2002, which has been shown to be incorrect. The DA Form 1506 prepared by HRC on 21 June 2023 confirms the correct PEBD is 27 May 2000. Based on a preponderance of the evidence, the Board determined the applicant's record should be corrected to show the PEBD of 27 May 2000 was used to calculate her pay for the period of active duty that began on 21 July 2010 and she should receive any additional pay she is due as a result of this correction.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined that the evidence presented was sufficient to warrant amendment of the ABCMR's decision in Docket Number AR20220009310 on 23 June 2023. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected to show the PEBD of 27 May 2000 was used to calculate her pay for the period of active duty that began on 21 July 2010. She should receive any additional pay she is due as a result of this correction.

X

CHAIRPERSON

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. Department of Defense Financial Management Regulation 7000.14-R Volume 7A, Chapter 1 states for servicer which is creditable, the member's servicing personnel office is responsible for providing, when necessary, a statement of service that can include the basic pay date, total active federal military service date, total commissioned federal military service date, and a variety of other dates, depending on the nature of the individual member's service. For most members who enter and serve on active duty without a break in service, the basic pay date is the date the member enters active duty or inactive service.
2. Title 10 U.S. Code 1552 states the Secretary of a military department may correct any military record of the Secretary's department when the Secretary considers it necessary to correct an error or remove an injustice.
3. 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 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 ABMC may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//