

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 August 2024

DOCKET NUMBER: AR20230013657

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show he was inducted on 2 December 1969 instead of 18 February 1971.

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

- DD Form 149 (Application for Correction of Military Record)
- Page 1, DD Form 47 (Record of Induction), 2 December 1969
- DD Form 214, 6 May 1971

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 that his DD Form 214 service periods be changed to reflect that he was inducted on 2 December 1969.
3. The applicant provides page one of his DD Form 47, which shows on 2 December 1969, a member of the local board signed Section II (Local Board Medical Interview).
4. A review of the applicant's service record shows:
 - a. DD Form 47, which shows he was inducted in the Army of the United States on 18 February 1971. This form does not show any prior military service.
 - b. USAREC Form 180-R (Acknowledgment of Service Obligation), shows the applicant having been inducted into the Army of the United States on 18 February 1971 for 2 years active duty, acknowledged that he had been informed of his service obligation.

c. Special Orders Number 32, issued by the Armed Forces Examining and Entrance Station, Detroit, MI, dated 18 February 1971, show the applicant was inducted into the Army of the United States in the grade of private/E-1, effective date (induction), 18 February 1971.

d. DA Form 20 (Enlisted Qualification Record), shows in item 11 (Enlisted, Inducted, Reenlisted, Extended, and/or OAD), 18 February 1971.

e. His DD Form 214 shows he was honorably discharged on 6 May 1971 as a trainee. This form shows he was inducted on 18 February 1971, and he had 1 month and 27 days of net service this period. His DD Form 214 does not list any other service.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, 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 and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military record, the Board determined there is insufficient evidence to support the applicant's contentions for correction of his DD Form 214 to amend his induction date.

2. The Army has an interest in maintaining the integrity of its records for historical purposes. The information in those records must reflect the conditions and circumstances that existed at the time the records were created. In the absence of evidence that shows a material error or injustice, there is a reluctance to recommend that those records be changed. This board is not an investigative body. The Board determined despite the absence of the applicant's service records, they agreed the burden of proof rest on the applicant, however, he did not provide sufficient supporting documentation and his service record is absent evidence to support the applicant contentions for correction to his induction date. 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.

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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 (Personnel Separation – Separation Documents), in effect at the times, prescribed the separation documents that would be furnished each individual who was separated from the Army. It stated, all available records would be used as a basis for the preparation of DD Form 214, including DA Form 20 (Enlisted Qualification

Record), DA Form 66 (Officer Qualification Record), and orders. The regulation stated for Item 10c (Date Inducted), applicable only to individuals who were inducted (as opposed to enlisted).

//NOTHING FOLLOWS//