

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 July 2024

DOCKET NUMBER: AR20230013762

APPLICANT REQUESTS: correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show she served during wartime.

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

- DD Form 149 (Application for Correction of Military Record)
- Department of Veteran's Affairs (VA) Rating Decision Letter, 13 September 2022
- DD Form 214, for the period ending 3 November 1988

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 she got out of the U.S. Army because of what happened to her and now she is not eligible for the tax benefits of being 100% disabled. She would like the date on her DD Form 214 to change, she needs to have wartime to be eligible for the tax benefits.
3. The applicant provides a VA Rating Decision Letter, 13 September 2022, which states her records reflect that she is a veteran of the peacetime. She served in the Army from 2 February 1988 to 3 November 1988. Her rating shows an evaluation of PTSD with major depressive disorder, moderate (also claimed as insomnia), which is currently 100 percent disabling.
4. A review of the applicant's service records show:
 - a. A chronological statement of retirement points, dated 8 July 1989 which shows:
 - 30 April 1983 to 29 April 1984, U.S. Army Reserve (USAR), 142 active-duty points
 - 30 April 1984 to 29 April 1985, USAR, no entry for active-duty points

- 30 April 1985 to 29 April 1986, USAR, 26 active-duty points
- 30 April 1986 to 29 April 1987, USAR, 4 active-duty points
- 30 April 1987 to 29 April 1988, USAR, 15 active-duty points

b. A DD Form 4/1-4/3 (Enlistment or Reenlistment Document) shows her enlistment in the Regular Army on 2 February 1988.

c. A DA Form 2496 (Disposition Form), 19 October 1988, that shows the applicant elected separation for reason of pregnancy per Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), Chapter 8.

d. On 3 November 1988, she was honorably released from active duty. Her DD Form 214 shows in:

- Block 12a (Date entered AD this period): 2 February 1988
- Block 12b (Separation Date this Period): 3 November 1988
- Block 12c (Net Active Service this Period): 9 months and 22 days
- Block 12d (Total Prior Active Service): no entry
- Block 13 (Decorations, Medal, Badges, Citations and Campaign Ribbons Awarded or Authorized):
 - Marksman Marksmanship Qualification Badge with Rifle Bar (M-16)
 - Army Service Ribbon
- Block 18 (Remarks): shows in part, delayed entry program from 3 December 1987 to 1 February 1988

e. A request for correction of chronological statement of Retirement Points for USAR Troop Program Members, dated 13 April 1989, that shows:

- 2 February 1988 to 3 November 1988, Regular Army, 292 active-duty points
- 4 November 1988 to 1 February 1989, USAR, 0 active-duty points

f. Two requests for correction of chronological statement of Retirement Points for USAR Troop Program Members:

- Undated, that shows the period 4 November 1988 to 3 November 1989, USAR, and 15 active-duty points
- 24 July 1990, that shows the period 3 December 1988 to 2 December 1989, USAR, and 15 active-duty points.

g. Orders number 104-327, issued by Headquarters, 99th USAR Command, dated 10 February 1992, shows that the applicant was relieved from 444 PSC Company and assigned to USAR control group, effective 10 February 1992.

h. Orders number C-09-438860, issued by USAR Personnel Center, dated 13 September 1994, shows that the applicant was released from USAR control group, and assigned to 355th CM Company, effective 8 September 1994.

i. Orders number 033-392, issued by Headquarters, 99th USAR Command, dated 18 November 1994, shows the applicant was relieved from 355th CM Company, and assigned to USAR control group, effective 1 November 1994.

j. Orders number C-07-545485, issued by USAR Personnel Center, dated 18 July 1995, shows the applicant was released from USAR control group, and assigned to 475th Quartermaster Company, effective 11 July 1995.

k. Orders number D-07-862437, issued by USAR Personnel Center, dated 23 July 1996, shows the applicant was honorably discharged from the USAR effective 23 July 1996.

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 applicant served honorably on active duty from 2 February 1988 through 3 November 1988, completing 9 months and 22 days of active service. After her release from active duty, she was transferred to the U.S. Army Reserve. She remained in the USAR from November 1988 until she was discharged in June 1996. During her service with the USAR, the Board found no evidence that she was either mobilized or served on active duty or deployed in support of Contingency Operations. Therefore, the Board determined there is insufficient evidence to grant her the requested 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 (AR) 635-5 (Separation Documents) and AR 635-8 (Separation Processing and Documents) prescribes policy and procedural guidance relating to transition management. The DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The information entered thereon reflects the conditions as they existed at the time of separation.

- Block 12a, enter the date of the first day of the last immediate reenlistment for which a DD Form 214 was not issued
- Block 12b, enter the separation date this period
- Block 12c, enter amount of service this period (subtract 12a from 12b)
- Block 12d, enter total amount of prior military service less loss time, if any. If there was no prior active service enter 00 00 00
- Block 13, entries will be for all periods of service
- Block 18, use this block for entries required by HQDA for which a separate block is not available and for completing entries that are too long for their blocks. Make the following entries if applicable: Enter list of reenlistment periods for which a DD form 214 was not issued

//NOTHING FOLLOWS//