

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 August 2024

DOCKET NUMBER: AR20230013856

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 3 June 2009 to reflect the following:

- Item 7a. (Place of Entry into Active Duty) – [REDACTED]
- Item 8a. (Last Duty Assignment and Major Command) – 9th Finance Battalion
- Item 12a (Date Entered Active Duty this Period) – 24 September 2003

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the U.S.), 24 September 2003
- DD Form 214, 3 June 2009

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 his DD 214 for the period ending on 3 June 2009 is administratively incorrect because it does not accurately reflect his service dates, place of entry, or last unit of assignment.

3. A review of the applicant's available service records reflects the following:

a. On 12 March 2003, the applicant enlisted in the U.S. Army Reserve for 8 years under the Delayed Entry Program. DD Form 4, item 3 (Home of Record) reflects [REDACTED] item 4 (Place of Enlistment/Reenlistment) reflects [REDACTED] Paragraph 8a. provides that the applicant will be ordered to active duty as a Reservist unless he reported to [REDACTED] Military Entrance Processing Station (MEPS) by 24 September 2003 for enlistment in the Regular Army for a period of 4 years. DD Form

1966/1 (Record of Military Processing – Armed Forces of the U.S.), item 18b./c. (Active-Duty Service Date/Pay Entry Date) reflects "24 September 2003."

b. On 7 May 2009, Headquarters, U.S. Army Infantry Center issued Orders Number 127-5244, announcing the applicant's discharge from the Regular Army on 3 June 2009 to accept appointment as a commissioned officer. These orders further provide that the applicant was assigned to the 11th Infantry Regiment, 3rd Battalion, Delta Company, Fort Benning, GA, 319XX.

c. On 3 June 2009, the applicant was honorably discharged from active duty and transferred into the USAR Control Group (Individual Ready Reserve). A DD Form 214 reflects the following applicable information:

- Item 7a. (Place of Entry into Active Duty) – [REDACTED]
- Item 8a. (Last Duty Assignment and Major Command) – Training Support Battalion (TSB) 11th Infantry Regiment, 3rd Battalion, Delta Company, Student (ST), United States Army Training and Doctrine Command (TC)
- Item 12a. (Date Entered Active Duty this Period) – 24 September 2004

e. On 4 June 2009, the applicant entered the Regular Army as a commissioned officer.

f. On 30 September 2023, the applicant retired from active duty and transferred to the USAR Control Group (Retired).

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.

2. The record shows the applicant was assigned to the 11th Infantry Regiment, 3rd Battalion, Delta Company, when he was discharged to accept a commission on 3 June 2009. This is the entry shown in item 8a of his DD Form 214 for the period ending and the Board determined there is no error.

3. The Board concurred with the corrections described in Administrative Note(s) below.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Other than the corrections addressed in Administrative Note(s) below, the Board determined 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 otherwise insufficient as a basis for correction of the records of the individual concerned.

2/5/2025

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.

ADMINISTRATIVE NOTE(S):

1. Reference the enclosed request for correction of military records from the subject individual to correct the following item(s) of the applicant's DD Form 214 for the period ending 3 June 2009:

- Item 7a. (Place of Entry into Active Duty) to reflect ■■■■■■■■■■
- Item 12a. (Date Entered Active Duty this Period) to reflect "2003 09 24" instead of "2004 09 24"

2. The following documents are sufficient to justify correction of the DD Form 214 without action by the Board.

- DD Form 4
- DD Form 1966/1
- Officer Record Brief

3. Amend the applicant's DD Form 214 to show the correction in paragraph 1, provide the applicant a copy of the correction, and record the correction in the applicant's official military personnel record.

### 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. Army Regulation (AR) 635-5 (Separation Documents) states that the DD Form 214 will reflect the conditions and circumstances that existed at the time the records were created. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form be complete and accurate and reflects the conditions as they existed at the time of separation. Personnel officers will prepare and authenticate DD Form 214 prior to forwarding records to the transfer facility. All available records will be used as a basis for the preparation of DD Form 214.

a. Item 7a./b. (Place of Entry onto Active Duty/Home of Record at Time of Entry) will reflect the information from the service members initial enlistment contract or appointment document. The city, state where the Soldier entered active duty will be listed. The home of record of when the Soldier enlisted or commissioned will also be listed. This cannot be changed unless there is a break in service of at least 1 full day. Home of Record is not always the same as the legal domicile which may change during a service members career.

b. Item 8a. (Last Duty Assignment and Major Command) will reflect the service members last unit of assignment, major command with the corresponding 2-character assignment code per Army Regulation 680-29 (Military Personnel, Organization and Type of Transaction Codes), paragraph 2-4 (Code Number 201, Command Assignment Code).

c. Item 12a. (Date Entered Active Duty this Period) will reflect the beginning date of continuous period of active for issuance of this DD Form 214

3. AR 15-185 (ABCMR) paragraph 2-9 states the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//