

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 August 2024

DOCKET NUMBER: AR20230013860

APPLICANT REQUESTS: in effect, correction of block 12a (Date Entered Active Duty This Period) of her DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 30 September 2009, to show 25 September 1998 instead of 12 October 1998.

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

- DD Form 149 (Application for Correction of Military Record)
- 2 DD Forms 214
- DA Form 71 (Oath of Office)
- Orders A-08-004119, U.S. Total Army Personnel Command, 26 August 1998
- Orders 096-0003, Installation Management Command – Europe, 6 April 2009

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, in effect, the S1 made a mistake and used her report date instead of the date of her commissioning.
3. The applicant enlisted in the Regular Army on 10 May 1989.
4. On 24 September 1998, she was honorably discharged to accept a commission or warrant in the Army.
5. The applicant provides, and her Official Military Personnel File contains:
 - a. Orders A-08-004119, U.S. Total Army Personnel Command, 26 August 1998. The Additional Instructions state, in part, "Effective Date (Assigned Active-Duty Accession Detachment): 25 September 1998. Individual will be discharged or relieved from active duty in current status on the day proceeding the effective date of

assignment to accession detachment. To preclude a break in service, the oath of office should be administered the day after discharge.”

b. DA Form 71, which shows she was appointed an officer in the Army of the United States on 25 September 1998.

c. DD Form 214 (for the period ending 30 September 2009), which shows in:

- block 12a that she entered active duty on 12 October 1998
- block 12b (Separation Date This Period) 30 September 2009
- block 12c (Net Active Service This Period) 11 years and 6 days

d. Orders 096-0003, Installation Management Command – Europe, 6 April 2009, which shows she was to retire from active-duty effective 30 September 2009, in the rank/grade of major/O4.

6. Army Regulation 635-8 (Separation and Processing and Documents), establishes the standardized policy for preparing and distributing the DD Form 214. Chapter 5 contains guidance on the preparation of the DD Form 214.

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 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 records, the Board determined there is insufficient evidence to show an error on the applicant's DD Form 214, block 12a (Date Entered Active Duty This Period). Evidence shows the applicant was discharged on 24 September 1998 and on 25 September 1998 was appointed an officer in the U.S. Army as indicated on her DA Form 71. The Board noted the applicant did not enter active duty until 12 October 1998 as shown on her orders dated 26 August 1998. The Board agreed there is no error and the applicant's DD Form 214 is accurate. 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 635-8 establishes the standardized policy for preparing and distributing the DD Form 214. Chapter 5 contains guidance on the preparation of the DD Form 214. For block 12 (Record of Service):

a. Block 12a: Data sources are enlistment contract(s), initial order to active duty, active-duty order, previously issued DD Forms 214, DA Form 1506 (Statement of Service – For Computation of Length of Service for Pay Purposes), and a complete review of the Soldier's official record. Enter the beginning date of the continuous period of active duty for issuance of this DD Form 214, for which a DD Form 214 was not previously issued. Do not depend on basic active service date for this data item. The basic active service date can be an adjusted date.

b. Block 12b: List the Soldier's transition date. This date may not be the contractual date if the Soldier was separated early, voluntarily extends, is extended to make up lost time, or is retained on active duty for the convenience of the Government.

c. Block 12c: Amount of service this period, computed by subtracting block 12a from 12b. Lost time under 10 USC 972 and noncreditable time after Expiration Term of Service, if any, are deducted. Lost time will be listed in block 29 (Dates of Time Lost This Period); other noncreditable time will be identified in block 18 (Remarks). If Soldier was released from active duty because of voided enlistment, enter "00 00 00."

3. Army Regulation 15-185 prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. 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//