

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 May 2025

DOCKET NUMBER: AR20230013947

APPLICANT REQUESTS: correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 28 February 2003, to show she was on Title 10 Active Guard/Reserve (AGR) orders

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

- DD Form 149 (Application for Correction of Military Record)
- DD Forms 214

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 was on AGR orders and retired. She needs her DD Form 214 to state Title 10 for the Department of Veterans Affairs (VA) to process her. She was registering for the VA and could not be processed because her DD Form 214 says U.S. Army Reserve (USAR).
3. The applicant provides and her service record shows:
 - She was in the Regular Army from 9 January 1981 through 28 January 1982; she was honorably transferred to the USAR Control Group (Annual Training)
 - On 3 August 1983, orders were published transferring her from the USAR Control Group (Annual Training) to a USAR Troop Program Unit effective 15 August 1983
 - On 22 April 1998, she was ordered to AGR status effective 11 January 1998 for a period of 6 years; the authority was Title 10 U.S. Code 12301(D); her service record is void of her initial AGR orders
 - On 17 September 2002 orders were published releasing her from AGR status and transferring her to USAR Control Group (Retired) effective 28 February 2003

- On 23 October 2002, she was notified she had completed the required years of qualifying reserve service and was eligible for retired pay at age 60
- She was on Active Duty, as a member of the USAR, from 15 October 1984 through 28 February 2003; her DD Form 214 does not show she was on Title 10 AGR orders

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy, and regulation. The evidence of record establishes that the applicant entered active duty as a member of the USAR in an AGR status on 15 October 1984. She continued to serve in that capacity until her transfer to the Retired Reserve. The Board determined that the applicant's entire period of service was performed in an AGR status pursuant to Title 10, United States Code, section 12301(d). Accordingly, the Board granted full relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD form 214, for the period ending 28 February 2003 to show in item 18 (Remarks) Title 10, USC, Section 12301(d) 19841015 thru 20030228.

X //SIGNED//

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. 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 (Separation Document), in effect at the time, prescribes the separation document that must be prepared for Soldiers on retirement, discharge, release from active duty service, or control of the Active Army. It states for Soldiers ordered to AGR on self-terminating orders, enter "Completion of period of AGR" as appropriate.
3. Army Regulation 635-8 (Separation Processing and Documents), in effect today, prescribes the transition processing function of the military personnel system. It provides principles of support, standards of service, policies, tasks, rules, and steps governing required actions in the filed to support processing personnel for separation and preparation of separation documents. It states for Reserve Component Soldiers, after completing multiple back-to-back periods of active duty, identify the type of active duty, inclusive dates, and section of law for each period of continuous service. Continue until all service reflected in blocks 12a through 12c are accounted for.

//NOTHING FOLLOWS//