

IN THE CASE OF [REDACTED]

BOARD DATE: 13 August 2024

DOCKET NUMBER: AR20230014058

APPLICANT REQUESTS: correction of his DD Form(s) 214 (Certificate of Release or Discharge from Active Duty) to show a reentry (RE) code of 1 instead of NA (meaning not applicable).

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

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States) in lieu DD Form 149 (Application for Correction of Military Record)
- DD Form 214 for the period ending 19 February 2012

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 has served all his time honorably. He overcame a Department of Veterans Affairs disability diagnosis, and he intends to prove this to the Military Entrance Processing Station in order to receive a military commission. He has worked extremely hard to achieve this goal. The recruiting process requires an RE code of 1 on the DD Form 214.
3. The applicant enlisted in the Army National Guard (ARNG) on 12 December 2008. He attended initial active duty for training from 13 February to 31 July 2009. He was issued a DD Form 214 for this period of active service showing release from active duty under the provisions of Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) due to completion of his required service. This DD Form 214 has a separation code of MBK (completion of required active service) and an RE code of NA.
4. Orders issued on 7 June 2011 ordered the applicant to active duty as a member of his Reserve Component unit in support of Operation Enduring Freedom (OEF) with a reporting date of 11 August 2011.

5. The applicant's DD Form 214 shows he entered active duty in support of OEF on 11 August 2011 and was released from active duty on 19 February 2012. The DD Form 214 further shows in:

- block 23 (Type of Separation), release from active duty
- block 25 (Separation Authority), Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), chapter 4
- block 26 (Separation Code), MBK
- block 27 (Reentry Code), NA
- block 28 (Narrative Reason for Separation), completion of required active 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 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 found sufficient evidence to support the applicant's request for correction of his DD Form(s) 214. The record reflects that the applicant was released from active duty with an honorable discharge under separation code MBK. In accordance with applicable regulatory guidance, individuals separated under the MBK code are eligible for reentry and should be assigned a reentry (RE) code of "1."

2. The Board noted that the applicant's DD Form(s) 214 currently reflect an RE code of "NA" (not applicable), which inaccurately represents his eligibility status. Based on these findings, the Board determined that the RE code should be corrected to "1" to accurately reflect the applicant's eligibility for reentry into military service. As such, the Board granted relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
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<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	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 to reflect the applicant's RE Code as RE Code 1.


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 601-210 (Active and Reserve Components Enlistment Program) covers eligibility criteria for enlistment and processing into the Regular Army, Army Reserve, and ARNG. This regulation provides that prior to discharge or release from active duty, individuals will be assigned RE codes based on their service records and the reason for separation. Table 3-1 provides a description of the RE codes and states RE code of 1 applies to persons completing their term of active service who are considered qualified to reenter the U.S. Army

3. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) prescribes the specific authorities and the reasons for the separation of members from active military service and the SPD codes to be used.
 - a. Table 2-3 of the regulation in effect at the time shows that the SPD code of MBK, as shown on the applicant's DD Form 214, is appropriate when the narrative reason for separation is completion of required active service and the authority for discharge is Army Regulation 635-200, chapter 4.

b. Note 6 of Table 2-3 states the code MBK is to be used for Regular Army Soldiers eligible to reenlist or with a declination of continued service statement in force who are released from active duty on completion of enlistment and transferred to the Reserve Component to complete military service obligation. Also to be used for ARNG of the United States or United States Army Reserve (USAR) Soldiers who are released from active duty on completion of required active service or period for which ordered to active duty.

4. The SPD Code/RE Code Cross Reference Table shows that a Soldier assigned an SPD Code of "MBK" will be assigned an RE Code of 1 or 3 (RE code 3 applies to persons not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waivable).

5. Army Regulation 635-5 (Separation Documents), in effect at the time of the applicant's release from active duty, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for the preparation of the DD Form 214. The regulation states for block 27, Army Regulation 601-210 determines Regular Army and USAR reentry eligibility and provides regulatory guidance on the RE codes. These codes are not applicable to Reserve Component Soldiers being separated for other than cause.

//NOTHING FOLLOWS//