

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 August 2024

DOCKET NUMBER: AR20230014228

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active duty), ending on 31 July 2009, to correct block 12c (Net Active Service This Period) to reflect 4-years, 9-months, and 2-days of active service.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 service ending 31 July 2009
- Defense Finance and Accounting Service (DFAS) Buyback Calculation

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 in effect, the correction should be made to clear up the discrepancy between the time in service calculated based upon the dates reported in block 12(a) and block 12(b) and the incorrect calculation shown in block 12 (c).

3. A review of the applicant's service record shows:

a. On 28 August 2002, having prior enlisted service in the U.S. Army Reserve (USAR), the applicant enlisted in the USAR and was assigned to the USAR Control Group (Reserve Officers' Training Corps (ROTC))

b. The applicant's Officer Record Brief shows his:

- Basic Active Service Date: 29 October 2004
- Basic Date of Appointment: 29 May 2004
- Entered Active-Duty Current Tour: 3 January 2005

c. On 7 May 2004, Orders Number 128-64, issued by Headquarters (HQs), U.S. Army Cadet Command, the applicant was assigned to the USAR Control Group (Annual Training, effective 9 May 2004.

d. On 8 May 2004, Orders Number 6-2, issued by HQs, 6th Brigade, Eastern Region Georgia Military College, the applicant was discharged from the ROTC, effective 8 May 2004 to accept a commission in the U.S. Armed Forces.

e. On 9 May 2004, the applicant executed his oath of office and was appointed as a Reserve commissioned officer.

f. On 2 December 2004, Orders Number A-12-492126, issued by the U.S. Army Human Resources Command (AHRC), the applicant was ordered to active duty to fulfill an active-duty Army requirement, effective 3 January 2005, and was relieved from the USAR Control Group (Annual Training) effective the date entered active duty.

g. On 11 November 2005, Orders Number 60-5-A-83, issued by AHRC, the applicant was appointed in the Regular Army of the United States, effective 11 November 2005 and any Reserve appointment as a commissioned officer was vacated.

h. The applicant was honorably released from active-duty effective 31 July 2009. DD Form 214 shows the applicant completed 4-years, 6-months, and 28-days of active service. It also shows in blocks:

- 12a (Date Entered Active Duty This Period): 19 October 2004
- 12b (Separation Date This Period): 31 July 2009
- 12c (Net Active Service This Period): 4-years, 6-months, and 28-days
- 12d (Total Prior Active Service): 2-months and 4-days
- 12e (Total Prior Inactive Service): 8-years, 11-months and 1-day
- 23 (Type of Separation): Discharge
- 25 (Separation Authority): Army Regulation 600-8-24 (Officer Transfers and Discharges), paragraph 3-5 (Unqualified Resignation)

1. The applicant's Soldier Management Services - WEB Portal Retirement Point Detail report for his USAR service shows he attended active duty for training during the following periods:

- 9 August through 29 September 2004
- 6 October through 29 December 2004

4. The applicant provides his DFAS buyback calculation which shows in items:

- 5 (Period of Military Service) from 29 October 2004 through 31 July 2009
- 6 (Total Service) 4-years, 9-months, and 2-days




**BOARD DISCUSSION:**

1. 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 that supports the applicant's contentions for correction of his DD Form 214, ending on 31 July 2009, to correct block 12c (Net Active Service This Period) to reflect 4-years, 9-months, and 2-days of active service.

2. The Board determined the applicant's DD Form 214 is correct, and his dates are accurately captured on his DD Form 214. The Board noted, in block 12(c) Net Active Service This Period showing 4 years 06 months and 28 days combined with block 12(d) Total Prior Active Service showing 02 months and 04 days, totals 4 years 09 months and 02 days. After deliberation, the Board agreed the applicant's DD Form 214 is correct, as such 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.



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, 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 635-5 (Personnel Separations – Separation Documents) in effect at the time, prescribes the separation documents that must be prepared for Soldiers on retirement, discharge, release from active-duty service, or control of the Active Army. It establishes standardized policy for preparing and distributing the DD Form 214 (Certificate of Release or Discharge from Active Duty).
  - a. Paragraph 2-1 (Preparing the DD Form 214), the DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clearcut record of active-duty service at the time of release from active duty, retirement, or discharge. The DD Form 214 is not intended to have any legal effect on termination of a soldier's service.
  - b. Paragraph 2-4 (Completing the DD Form 214) h, the following provides detailed instructions and source documents for completing each block for the DD Form 214:  
(12) RECORD OF SERVICE. Use extreme care in completing this block since post-service benefits, final pay, retirement credit, and so forth are based on this information.

- (a) Date Entered Active Duty (AD) This Period, enter the beginning date of the continuous period of AD for issuance of this DD Form 214, for which a DD Form 214 was not previously issued
- (b) Separation Date This Period, the Soldier's transition date; this date may not be the contractual date if Soldier is separated early, voluntarily extends, or is extended for makeup of lost time, or retained on active duty for the convenience of the Government
- (c) Net Active Service This Period, amount of service this period, computed by subtracting item 12a from 12b; lost time under 10 USC 972 and non-creditable time after expiration term of service, if any, are deducted, such time will be identified in block 18

//NOTHING FOLLOWS//