

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 July 2024

DOCKET NUMBER: AR20230014573

APPLICANT REQUESTS: in effect, correction of his military records to show completion of his entire military service from February 1958 to January 1964, active and Reserve duty.

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

- DD Form 149 (Application for Correction of Military Record)
- Honorable Discharge Certificate, 31 January 1964
- Special Order Number 39, 17 February 1960 (separation order)
- Letter from U.S. Army Records Center, St. Louis, MO, 31 January 1964

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 wants correction of his dates of service from 20 February 1958 to 31 January 1962. His military service obligation was 6 years of which 2 years was active service, 2 years was active Reserve, and 2 years was Standby Reserve. It does not include Reserve time. He served 2 years of active duty from February 1958 to February 1960 and 2 years in the active Reserve from February 1960 to January 1962. He completed his service honorably. He is unsure if service in the Standby Reserve counts toward service time. He was discharged from the Reserve on 31 January 1964.
3. The applicant's service record is not available for review. An exhaustive search was conducted to locate his military records which are important in the processing of his case, but they could not be found. This case is being processed based on the evidence he submitted and input from the U.S. Army Human Resources Command.
4. The available evidence shows:

a. The applicant was inducted into the Army of the United States on or about 26 February 1958.

b. On 17 February 1960, Headquarters, U.S. Army Armor and Artillery Firing Center, Fort Stewart, GA published Special Orders 39 ordering the applicant's release from active duty and transfer to the U.S. Army Reserve Control Group (Annual Training) to complete his remaining service obligations. The orders show:

- He was last assigned to Company B, 3rd Medium Tank Battalion, 32nd Armor Regiment, Fort Stewart, GA, in the rank of E-4
- The authority for his separation is Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel), Separation Program Number 201 (expiration of term of service)
- The date of separation/release from active duty is 25 February 1960
- He had a total service obligation of 6 years

c. The applicant was honorably discharged from the U.S. Army Reserve on 31 January 1964, upon completion of his 6 years of statutory obligations.

5. On 9 February 2024, the U.S. Army Human Resources Command (HRC) provided an advisory opinion in the processing of this case. An advisory official stated HRC currently does not have enough information to create an accurate DA Form 5016 (Chronological Statement of Retirement Points). The applicant will need to provide all supporting documents to build his military service career and HRC will need all his Leave and Earning Statements to add all inactive and active duty points to his retirement points.

6. The applicant was provided a copy of this advisory opinion to give him an opportunity to submit a rebuttal and/or additional documentation. He did not respond.

7. By regulation (AR 635-5), the DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge or Certificate of Release or Discharge from Active Duty) is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active duty service at the time of release from active duty, retirement, or discharge.

8. The U.S. Army Reserve (USAR) Control Group (Individual Ready Reserve (IRR)) consists of trained individuals who have previously served in the Active Army or Selected Reserve. Members of the IRR are trained Soldiers who may be called upon, if needed, to replace Soldiers in active duty and Army Reserve units. The IRR has a number of control groups such as the USAR Control Group (Annual Training), consisting of non-unit members with less than 3 years of Active component duty who have a military service obligation to complete.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, 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 review based on law, policy, and regulation. Upon review of the applicant's petition and available military records, the Board determined, in concurrence with the U.S. Army Human Resource's Command advisory that there is insufficient information to support the applicant served a 2-year period of active duty. The Board noted the applicant's supporting documentation, including his Honorable Discharge Certificate and separation order; however, was not compelled there was enough information for a record correction.

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, 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 Documents) establishes the standardized policy for preparing and distributing the DD Form 214. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service. The DD Form 214 is a summary of a Soldier's most recent period of continuous active duty (emphasis added). It provides a brief, clear-cut record of active duty service at the time of release from active duty, retirement, or discharge. A DD Form 214 will be prepared for each Soldier as indicated:

a. Active Army Soldiers on termination of active duty by reason of administrative separation (including separation by reason of retirement or expiration of term of service), physical disability separation, or punitive discharge under the Uniform Code of Military Justice.

b. Reserve Component (RC) Soldiers completing 90 days or more of continuous ADT, Full-Time National Guard Duty, active duty for special work, temporary tours of active duty, or Active Guard Reserve service. Also, RC Soldiers separated for cause or physical disability regardless of the length of time served on active duty.

c. ARNG and USAR Soldiers mobilized under Title 10, U.S. Code, sections 12301(a), 12302, or 12304, and ARNG Soldiers called into Federal service under Title 10, U.S. Code, chapter 15, or section 12406, regardless of length of mobilization, when transitioned from active duty. A Soldier who reports to a mobilization station and is found unqualified for active duty will be excluded from this provision. He or she will only receive a DD Form 220 (Active Duty Report); and

d. RC Soldiers completing initial ADT (previously called ACDUTRA) that results in the award of an MOS even when the active duty period was less than 90 days. This includes completion of advanced individual training under the ARNG of the U.S. Alternate Training Program or USAR Split Training Program.

//NOTHING FOLLOWS//