

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 September 2024

DOCKET NUMBER: AR20230014625

APPLICANT REQUESTS: issuance of a DD Form 214 (Certificate of Release or Discharge from Active Duty) from 8 May 2005 to 1 April 2007.

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

- DD Form 149 (Application for Correction of Military Record)
- April 2005 orders to active duty
- Medical Disqualification memorandum
- April 2007 U.S. Army Reserve Discharge order

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 should be issued a DD Form 214 for the period indicated.
3. The applicant had prior service in the Army National Guard as well as the U.S. Army Reserve.
 - a. He enlisted in the U.S. Army Reserve on 20 April 2002 and reenlisted on 25 August 2003. He held the grade of specialist/E-4
 - b. On 2 April 2005, 80th Division (Institutional Training) published orders ordering the applicant to active duty for 558 days in support of Operation Iraqi Freedom, reporting on or about 11 May 2005 to Camp Atterbury, IN.
 - c. The applicant entered active duty on 8 May 2005. He reported to Camp Atterbury on 11 May 2005.

d. On 12 May 2005, Camp Atterbury published orders releasing the applicant from active duty effective 14 May 2005 to the control of his Reserve unit.

e. He was release from active duty on 14 May 2005. He was issued a DD Form 220 (Active Duty Report) covering his active duty from 8 May to 14 May 2005.

f. The applicant's NCO Evaluation Report for the rating period June 2005 to May 2006 shows he was assigned to a troop program unit of the U.S. Army Reserve (3/318th Regiment) as a drill sergeant of a training unit

g. He was discharged from the U.S. Army Reserve on 1 April 2007 with an under honorable condition discharge.

4. There is no evidence in the record and the applicant provides none to show he remained on active duty for at least 90 days, which would have warranted the issuance of a DD Form 214.

5. By regulation (AR 635-5), a DD Form 214 is issued to ARNG and USAR soldiers mobilized under sections 12301(a), 12302, or 12304, title 10, U.S. Code. A soldier who reports to a mobilization station 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).

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the regulatory guidance requiring the completion of 90 consecutive active duty service days in order to publish a DD Form 214, and the evidence showing the applicant failed to complete 90 consecutive days of active duty service, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's record.

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 635-5 (Separation Documents) 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). 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. 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 term of service (ETS)), 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 active duty for training (ADT), Full-Time National Guard Duty (FTNGD), active duty for special work (ADSW), temporary tours of active duty (TTAD), or Active Guard Reserve (AGR) service, except as specified in subparagraphs (3) through (5) below.

c. RC soldiers separated for cause or physical disability regardless of the length of time served on active duty. (A separation under AR 635-200, paragraph 5-11 is not considered a physical disability separation.)

d. ARNG and USAR soldiers mobilized under sections 12301(a), 12302, or 12304, title 10, U.S. Code and ARNG soldiers called into Federal service under chapter 15, or section 12406, title 10, U.S. Code, regardless of length of mobilization, when transitioned from active duty. A soldier who reports to a mobilization station 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).

//NOTHING FOLLOWS//