

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 August 2024

DOCKET NUMBER: AR20230014740

APPLICANT REQUESTS:

- amendment of his active duty training (ADT) service credit on his DD Form 214 (Certificate of Release or Discharge from Active Duty)
- a personal appearance before the Board

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

DD Form 293 (Application for the Review of Discharge)

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 separated from service on "temporary records." He was informed a DD Form 215 (Correction to DD Form 214) would be issued to provide missing information or correct the amount of time he spent at chemical school.
3. A review of the applicant's service record shows:
 - a. His DA Form 2-1 (Personnel Qualification Record – Part II) shows in section VII (Current and Previous Assignments): service in the U.S. Navy from 4 August 1981 to 26 January 1984 (2 years, 5 months, and 23 days).
 - b. Having prior enlisted service, he was appointed as a Reserve commissioned officer and executed an oath of office on 20 December 1990.
 - c. Orders T-07-123621 dated 22 July 1991 ordered him to ADT for U.S. Army Chemical School with a report date of 8 September 1991 for a period of 152 days.
 - d. The complete facts and circumstances surrounding the applicant's separation are unavailable for the Board to review.

e. On 20 March 1992, the separation authority approved his discharge under the provisions of Army Regulation 635-100 (Personnel Separations - Officer Personnel), Chapter 3, paragraph 3-20 and 3-21. He would be issued an Honorable Discharge Certificate.

f. Orders 135-243, issued by the U.S. Army Chemical and Military Police Centers and Fort McClellan on 14 May 1992, discharged the applicant from the U.S. Army Reserve.

g. He was honorably discharged on 18 May 1992. His DD Form 214 also shows in:

- item 12a (Date Entered Active Duty This Period): 8 September 1991
- 12b (Separation Date This Period): 18 May 1992
- 12c (Net Active Service This Period): 8 months and 11 days
- Item 12d (Total Prior Active Service): See Block 18 (Remarks)
- Item 12e (Total Prior Inactive Service): See Block 18

4. By regulation, the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge.

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 review based on law, policy and regulation. The Board noted the applicant's contention that he was separated on temporary records and his request to correct the time he was activated to attend chemical schooling. The Board concluded the applicant entered active duty on 8 September 1991 and that date is accurately reflected on his DD Form 214. The Board also concluded the applicant was discharged on 18 May 1992 and that date is accurately reflected on his DD Form 214. Therefore, the applicant's request to amend his active duty service for attendance at the U.S. Army Chemical School is denied.

2. However, prior to closing the discussion, the Board noted the applicant's prior service in the U.S. Navy as annotated on his DA Form 2-1 and his DD Form 4 (Enlistment/Reenlistment Document), dated 27 December 1988, which shows in item 7 (Previous Military Service Upon Enlistment/Reenlistment): a. (Total Active Military Service): 2 years, 5 months, and 23 days; and b. (Total Inactive Military Service): 1 month and 23 days. Therefore, the Board recommends his DD Form 214, for the

period ending 18 May 1992 be amended to reflect his total prior active service in item 12d as 2 years, 5 months, and 23 days and his total prior inactive service in item 12e as 1 month and 23 days.

3. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. 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.

2. Prior to closing the discussion, the Board determined the evidence presented is sufficient to warrant 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 18 May 1992 to show in:

- item 12d (Total Prior Active Service): 2 years, 5 months, and 23 days
- item 12e (Total Prior Inactive Service): 1 month and 23 days

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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 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. Army Regulation 635-8 (Separations Processing and Documents) DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

a. Block 12a (Date Entered Active Duty This Period) data sources are enlistment contract(s), initial order to active duty, active duty order, previously issued DD Forms 214, DA Form 1506 (Statement of Service – For Computation of Length of Service for Pay Purposes), and a complete review of the Soldier's official record. Enter the beginning date of the continuous period of active duty for issuance of this DD Form 214, for which a DD Form 214 was not previously issued. Do not depend on basic active service date for this data item. The basic active service date can be an adjusted date.

b. Block 12c (Net Active Service This Period) amount of service this period, computed by subtracting block 12a from 12b. Lost time under 10 USC 972 and noncreditable time after ETS, if any, are deducted. Lost time will be listed in block 29; other noncreditable time will be identified in block 18. If Soldier was released from active duty because of voided enlistment, enter "00 00 00."

4. Army Regulation 635-100 (Personnel Separations - Officer Personnel) provided the authority for the separation of commissioned and warrant officers from the Active Army. Paragraph 3-58a of this regulation, in effect at the time, specifically provided for the involuntary release of officers from active duty for misconduct, moral or professional dereliction, and/or when their degree of efficiency and manner of performance required release from active duty or elimination from the service. The regulation provided that when an officer's conduct and performance warranted relief from active duty, then the officer's records and all available evidence would be forwarded for consideration by the Department of the Army Active Duty Board (DAADB). The recommendation of the DAADB was approved by the Secretary of the Army.

//NOTHING FOLLOWS//