

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 September 2024

DOCKET NUMBER: AR20230014983

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 9 January 1959 to show his component as Regular Army.

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- DD Form 214

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 was drafted into the Army on 10 January 1957 and was discharged on 9 January 1959 as his first commitment. He was then assigned to serve 2 years active Reserve and 2 years inactive Reserve, which was the requirement for draftees. His DD Form 214 erroneously reads that he was an Army Reservist.
3. The applicant's complete military records are not available for review. The U.S. National Archives and Records Administration official website states a disastrous fire at the National Personnel Records Center on 12 July 1973 destroyed approximately 16-18 million Official Military Personnel Files. The fire affected approximately 80 percent of the records of Army personnel discharged between 1 November 1912 and 1 January 1960. It is believed that his records were lost or destroyed in that fire. His available records consist solely of his DD Form 214. This case is being considered based on the DD Form 214 he provided.
4. His DD Form 214 shows the following entries in.

a. item 2 (Service Number), his service number as US 51 XXX XXX (during this period, "US" service numbers ranging from 50 000 000 to 59 999 999 were assigned to personnel conscripted (inducted or "drafted") into the Army of the United States (AUS) or enlisted in the U.S. Army Reserve (USAR); Regular Army (RA) service numbers began with "RA");

b. item 4 (Department Component and Branch or Class), his component as Army USAR Unassigned";

c. item 11a (Type of Transfer or Discharge), he was transferred to the USAR to complete his statutory service obligation;

d. item 11c (Reason and Authority), he was released from active duty under the provisions of Army Regulation 635-200 (Personnel Separations – General Provisions for Discharge and Release) and Army Regulation 635-250 (Personnel Separations – Release to National Guard and Army Reserve);

e. item 11d (Effective Date), he was released from active duty effective 9 January 1959;

f. item 16 (Date Inducted), he was inducted into the AUS on 10 January 1957;

g. item 18 (Terminal Date of Reserve Obligation), his statutory service obligation terminated effective 8 January 1963;

h. item 19 (Current Active Service Other Than by Induction):

- item 19a (Source of Entry) – Not Applicable
- item 19b (Term of Service (Years)) – 2
- item 19c (Date of Entry) – Not Applicable

i. item 20 (Prior Regular Enlistments), he had no prior RA enlistments; and

j. item 24 (Statement of Service):

- item 24a(1) (Net Service This Period) – he completed 2 years of net active service during this period
- item 24a(2) (Other Service) – none
- item 24b (Total Active Service) – he completed 2 years of total active service

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, his military records, and regulatory guidance were carefully considered. Based upon the applicant's statement appearing to be corroborated by the information currently reflected on the applicant's DD214, specifically, two years of service completed prior to transfer to the USAR, the Board concluded there was sufficient evidence warranting a correction to block 4 of the applicant's DD214 to reflect Regular Army.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

█	█	█	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 Army records of the individual concerned be corrected by amending the applicant's DD Form 214 by amending block 4 to read, "Regular Army".

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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 635-200 (Personnel Separations – General Provisions for Discharge and Release), in effect at the time, prescribed the policies for the discharge of enlisted personnel upon expiration of term of enlistment and set forth the general provisions governing the release from active duty of enlisted and inducted persons prior to expiration of their terms of service. Paragraph 9d noted individuals ordered to active duty from the USAR or Army National Guard who subsequently were ordered to active duty for a period in excess of 90 days will be discharged or released from active duty and revert to control of the appropriate Reserve Component under Army Regulation 635-250 (Personnel Separations – Release to National Guard and Army Reserve).
  
3. Army Regulation 635-250 (Personnel Separations – Release to National Guard and Army Reserve), paragraph 4a, in effect at the time, stated each male person inducted or initially enlisted in the RA after 19 June 1951 while under 26 years of age who served on active duty for a period of less than 8 years and who meets current qualifications for reenlistment as a Reservist of the Army would be transferred to the USAR to complete his military service obligation.

//NOTHING FOLLOWS//