

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 June 2025

DOCKET NUMBER: AR20240000345

APPLICANT REQUESTS: correction to his service record to reflect, in effect, the following:

- retirement from active duty effective 31 March 2022
- placement on the Retired List effective 1 April 2022
- payment of applicable retroactive retired pay

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored statement
- Memorandum, Subject: Unqualified Resignation, dated 9 September 2021 showing he requested an unqualified resignation from active duty effective 30 March 2022 to pursue an active duty retirement
- DA Form 4187 (Personnel Action), dated 13 September 2021 showing he requested voluntary retirement and placement on the retired list effective 1 April 2022
- Memorandum, Subject: Voluntary Retirement, dated 21 September 2021 showing his unit leadership recommended approval of his retirement request
- Orders Number 033-0003, dated 2 February 2022 to be addressed in the service record below
- DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 31 March 2022
- DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States), dated 28 February 2023 to be addressed in the service record below
- Orders Number D-03-304398, dated 7 March 2023 to be addressed in the service record below
- Orders Number 0004283780.00, dated 23 March 2023 issued for voluntary transfer to the U.S. Army Reserve (USAR) Control Group (Reinforcement) effective 28 February 2023
- Orders Number 0004283780.01, dated 25 March 2023 issued for voluntary transfer to the USAR Control Group (Reinforcement) effective 28 February 2023
- Orders Number 0004297618.00, dated 25 March 2023 issued for voluntary retirement effective 2 March 2023

- Orders Number 0004297610.01, dated 25 March 2023 to be addressed in the service record below
- DA Form 5016 (Retirement Accounting Statement), dated 31 March 2023 showing his service in both the active and Reserve components from 2 September 1994 to 1 March 2023
- Emails to Individual Ready Reserve (IRR) showing his multiple communications in an attempt to receive retirement orders placing him on the Retired List effective 1 April 2022
- Emails with IRR Branch showing his multiple communications in an attempt to receive retirement orders placing him on the Retired List effective 1 April 2022
- Emails with U.S. Army Human Resources Command (HRC) Chief of Staff (CoS) showing his multiple communications in an attempt to receive retirement orders placing him on the Retired List effective 1 April 2022

FACTS:

1. The applicant states, in part:

- He is a retired veteran of the U.S. Army [REDACTED] Army National Guard ([REDACTED] ARNG) who recently transferred to the Retired List from the IRR
- He completed 28 years of total military service with 20 years of active-duty as shown on his attached DA Form 5016
- He applied for an active-duty retirement in April of 2021 under the provision Title 10, USC, Section 7311 (Twenty years or more: regular or reserve commissioned officers) while on Sanctuary Orders
- He submitted his application and in September of 2021, was notified by HRC that he was only eligible to be retired under Title 10, USC, section 7314 (Twenty to thirty years: enlisted members).
- To do this, he was told to submit an Unqualified Resignation (UQR), enlist, and then be retired
- He was originally told by HRC that all the above actions would be conducted in conjunction with the end of his Sanctuary orders, which expired on 31 March 2022
- He had planned to resign his commission on 29 March 2022, enlist on 30 March 2022, separate from active duty on 31 March 2022 and be placed on the retired list on 1 April 2022
- He updated the retirement request and submitted all required documents to HRC in September 2021; in January 2022, he was notified by [REDACTED] Deputy Director of Officer Retirement and Separations, that HRC was unable to execute the retirement while he was in sanctuary status and he would be required to transfer

to the IRR and would have to submit the UQR, enlist, and request retirement from an inactive status

- He was told that there was not a regulatory or statutory issue with his retirement request and that the issue was that HRC could not functionally execute the request because it did not have the administrative processes established and that there were functional issues with the systems needed to execute the process
- In addition, he was notified that there would be an administrative delay to the retirement effective date because his accession into the IRR IT systems would create a lag due to processing times, his retirement would be high-priority, and that it should be processed within 30-60 days after separation from active duty
- He separated from active duty on 31 March 2022, and as instructed waited 30 days
- He began contacting the IRR to complete the administrative actions necessary to execute a retirement in May 2022; however, his emails and phone calls went unanswered; he left several messages with multiple numbers and with multiple email boxes
- The email communications were executed via military email and all records were lost when his Common Access Card certificates expired in June 2022
- At that time, he started emailing using his private account (See Attachment 3 (Emails to IRR))
- He did not receive a reply until 25 August 2022, when a Non-commissioned Officer from HRC returned a phone message left on the HRC general contact number; he was notified that regular office protocol was still being properly established in light of COVID-19 restrictions
- Soon after, he was contacted by Sergeant First Class [REDACTED] from the IRR at which time he again requested to initiate a retirement over the phone and followed up with an email request for record to execute his retirement with no results
- In November 2022, he was contacted via telephone by an individual working on his issues (who requested to stay anonymous) and informed him that his retirement had met with multiple administrative issues and because the action required cooperation from multiple divisions within HRC, he did not see a timely path to resolution
- He recommended he initiate a congressional inquiry, but he instead chose to contact the HRC Chief of Staff, COL [REDACTED] since he had direct oversight of all the necessary divisions
- His retirement was not executed until 1 March 2023, which was 11 months after retirement eligibility
- He requests the effective retirement date be adjusted to mirror the request submitted in September 2021; the current retirement date was a result of

administrative delays and errors that were beyond his control and as such he lost retired pay that he was entitled to for 11 months

- He is requesting that the attached documents (and any other necessary documents) be appropriately revoked/rescinded/corrected to show the following:
 - Unqualified resignation of commission on 29 March 2022
 - Enlistment into U.S. Army on 30 March 2022
 - Separation from active duty on 31 March
 - Placed on the retired list on 1 April 2022
- He further requests that the Defense Finance and Accounting System be directed to execute payment of back retired pay from the period of 1 April 2022 until 28 February 2023

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

- Having prior enlisted service in both the Regular Army and the [REDACTED] ARNG, on 16 November 2012 he accepted a Reserve commission and executed an oath of office
- Special Orders Number 22 AR, dated 28 January 2014 was issued for retroactive Federal recognition of his initial appointment with the ARNG, effective 16 November 2012
- On 24 March 2014, a Memorandum, Subject: Notification of Eligibility for Retired Pay at Non-Regular Service (20 Years) was issued
- Orders Number HR-0220-00002, dated 7 August 2020 was issued ordering him to serve on active duty for a period of 587 days to obtain 20 years of active federal service from 22 August 2020 to 31 March 2022
- Orders Number 033-0003, dated 2 February 2022 was issued releasing him from active duty and assigning him to the U.S. Army Reserve (USAR) Control Group (Reinforcement), effective 31 March 2022
- DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 31 March 2022 reflects an honorable release from active duty with service from 22 August 2020 to 31 March 2022 for a net active service of 1 year, 7 months, and 9 days and total prior active service of 18 years, 5 months, and 6 days
- National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service) dated 31 March 2022 shows an honorable release from the [REDACTED] ARNG and transfer to the USAR Control Group (Reinforcement) with a net service of 9 years, 4 months, and 15 days and prior reserve component service of 15 years, 2 months, and 14 days
- On 28 February 2023, he enlisted in the USAR
- Orders Number D-03-304398, dated 7 March 2023 was issued for an honorable discharge from the USAR

- Order Number 0004297610.01, dated 25 March 2023 was issued amending his previous Order Number 0004297610.00 to reflect an honorable retirement with a retroactive effective date of 1 March 2023

3. On 4 June 2024, the HRC, Enlisted Division Chief, provided an advisory opinion of the applicant's request stating, in part, if directed to be completed by the ABCMR, the Personnel Service Division will assist with the order of the retired Soldier in question. In accordance with Army Regulation (AR) 600-8-24 (Officer Transfers and Discharges), Chapter 6-3c, which states once the retirement has been approved and the order issued, it will not be amended or revoked except for promotion option, extreme compassionate reasons, or for the good of the Service; the amendment or revocation must occur prior to the retirement date. The applicant became eligible on 31 March 2022, at the completion of his Sanctuary orders. Processing timelines for voluntary retirement request are processed within the prescribed of 9-12 months after submission which allows for verification and calculation of retirement eligibility. The Subsequent retirement order issued on 28 February 2023 is within this guideline following eligibility.

4. On 5 June 2024, the applicant was provided a copy of the advisory opinion and afforded an opportunity to respond. He replied stating, in part:

a. The advisory opinion fails to recognize that the original retirement application was submitted to HRC Sanctuary Branch in April 2021, which was 12 months prior to retirement eligibility which is both expected practice and based on the timeline indicated by the opinion, should have been ample time to process and execute the retirement.

b. Therefore, he disagrees that HRC met their 9 - 12-month processing guideline. Unfortunately, he no longer has access to his service email, so the original submission is unavailable for him. But Mr. [REDACTED] the sanctuary case officer, at HRC, may have a retained copy.

c. He submitted a second retirement packet (attached in original application) in September of 2021 as directed by HRC, to account for the required resignation and change in retirement authorities.

d. He feels as though he met the expected timelines to have his retirement executed on the eligibility date. If it would be helpful, he could contact Mr. [REDACTED] Chief of Officer Requirements and Separations at HRC, Mr. [REDACTED] at Army G-1, and Colonel [REDACTED] HRC CoS, to validate that the delayed processing was due to internal administrative issues and validate that correcting the issue would meet the good of the service exception.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was 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, available military records and HRC, Enlisted Division Chief advisory opinion directive to the ABCMR Board panel, the Board concurred with advising opine finding sufficient evidence to support the correction to his service record to reflect, his

- retirement from active-duty effective 31 March 2022
- placement on the Retired List effective 1 April 2022
- payment of applicable retroactive retired pay

Based on the advising opine and evidence found in the applicant's record, the Board granted relief to correct the applicant's records.

BOARD VOTE:


<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
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<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- amending his DD Form 214 to show he was retired from active-duty effective 31 March 2022
- amending orders 0004297618.00, issued on 25 March 2023 to show his placement on the Retired List effective 1 April 2022
- payment of any authorized retroactive retired pay

X 

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. AR 600-8-24 (Officer Transfers and Discharges), Chapter 6-3 states the installation maintaining the retiree's Military Personnel File (MPF) will publish the retirement order for voluntary retirements (except for general officers) at the earliest possible date. The installation maintaining the retiree's MPF will forward the retirement order to the appropriate Military Personnel Division, TC, or PSST, as applicable. The HRC (AHRC-AR) will publish the retirement order for USAR officers not on the Active Duty List. The state ARNG will publish the retirement order for Title 32, USC, Active Guard/Reserve (AGR) officers. NGB HCM Division will publish the retirement order for Title 10, USC AGR officers. (c) Once the retirement has been approved and the order issued, it will not be amended or revoked except for promotion option, extreme compassionate reasons, or for the good of the Service. The amendment or revocation must occur prior to the retirement date.

2. AR 600-8-105 (Military Orders) states only the organization that published the original order may amend, rescind, or revoke the order. Commanders may revoke award orders if issued by another headquarters only when authorized under AR 600-8-22.

3. Title 10, USC, section 1552 states the Secretary of a military department may correct any military record of the Secretary's department when the Secretary considers it necessary to correct an error or remove an injustice.

//NOTHING FOLLOWS//