

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 November 2024

DOCKET NUMBER: AR20240000418

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show in item 26 (Separation Code) RBC vice RBD and item 28 (Narrative Reason for Separation) Maximum Service or Time in Grade vice Sufficient Service for Retirement.

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

- DD Form 149 (Application for Correction of Military Record)
- All Army Activity (ALARACT) Message 026/14

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 the reason for his retirement was due to Army Directive 2014-03 (Retention Control Points (RCP)) Section 3, effective 1 February 2014, which states that Regular Army Soldiers may perform active service up to their RCP, which is defined as 20 years for non-promotable staff sergeants (SSG). Upon his retirement date of 31 July 2014, his time in the service was 21 years and 1 month, which qualified him for retirement under Army Directive 2014-03 Section 3. Upon this policy change, he was notified by his retention noncommissioned officer that he must begin the retirement process due to the policy change. Having the incorrect retirement code has created issues with the payment of his post 9/11 education benefits that were transferred to his dependent in 2010.
3. The applicant provides ALARACT Message 026/14, 31 January 2014 Subject Change to RCP for enlisted Soldiers serving in the regular Army or under the Active Guard Reserve Title 10 Programs, shows the RCP for a non-promotable SSG changed to 20 years.
4. The applicant's service record contains the following documents:

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows he enlisted in the U.S. Army Reserve (USAR) on 29 August 1991.

b. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows he enlisted in the Regular Army on 17 June 1993. He remained in the Regular Army through immediate reenlistments.

c. DD Form 214 shows he was honorably transferred to USAR Control Group (Retired), in the rank of SSG, on 31 July 2014. He completed 21 years, 1 month, and 14 days of active service with 3 months and 24 days of prior active service and 1 year, 5 months, and 24 days of prior inactive service. It shows in item:

- 26 (Separation Code): RBD
- 28 (Narrative Reason for Separation): Sufficient Service for Retirement

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted for the applicant's request for correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show in item 26 (Separation Code) RBC vice RBD and item 28 (Narrative Reason for Separation) Maximum Service or Time in Grade vice Sufficient Service for Retirement. The Board was convinced by the applicant's statement and documents associated with his service record to amend his DD Form 214.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3



GRANT FULL RELIEF

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GRANT PARTIAL RELIEF

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GRANT FORMAL HEARING

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DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

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 31 July 2014 to show in:

- item 26 (Separation Code): RBC
- item 28 (Narrative Reason for Separation): Maximum Service or Time in Grade

3/28/2025

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. 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 635-5-1 (Personnel Separations – Separation Program Designator (SPD) Codes), in effect at the time, prescribes the specific authorities, reasons for separating Soldiers from active duty, and the SPD codes to be entered on DD Form 214. It shows code

- RBD is used for sufficient service for retirement
- LBC is used for maximum service or time in grade
- [There is no RBC code]

3. Army Regulation 635-5 (Personnel 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 states when completing the DD Form 215 in:

a. Block 26 (Separation Code) Obtain correct entry from AR 635-5-1, which provides the corresponding separation program designator code for the regulatory authority and reason for separation.

b. Block 28 (Narrative Reason for Separation) This is based on regulatory or other authority and can be checked against the cross reference in Army Regulation 635-5-1.

//NOTHING FOLLOWS//