

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 October 2024

DOCKET NUMBER: AR20240001017

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show a reentry (RE) code of 1 instead of NA (meaning not applicable).

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Army Discharge Review Board (ADRB) Case Report and Directive Docket Number AR20180011769
- Army National Guard (ARNG) General Discharge Certificate

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 block 27 (Reentry Code) of his DD Form 214 shows the entry "NA," which is not a valid RE code. He is requesting the correction to show an RE code of 1 because he was eligible to reenlist at the time of separation.
3. The applicant enlisted in the ARNG on 19 February 2002. He attended initial active duty for training from 12 March to 1 August 2002 and was awarded military occupational specialty 92G, Food Service Specialist. His DD Form 214 for this period shows in:
 - block 23 (Type of Separation), release from active duty training
 - block 24 (Character of Service) Uncharacterized
 - block 25 (Separation Authority), Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), chapter 4
 - block 26 (Separation Code), MBK
 - block 27, NA
 - block 28 (Narrative Reason for Separation), completion of required active service

4. The applicant was discharged from the ARNG and transferred to the U.S. Army Reserve (USAR) Control Group (Annual Training) on 27 December 2006. He was discharged from the USAR on

5. The applicant provided ADRB Case Report and Directive, Docket Number AR20180011769, possibly obtained from the Department of Defense Boards of Review Reading Rooms, pertaining to an applicant's similar request for correction of the DD Form 214 to show an RE code of 1 instead of NA. The ADRB adjudicated this case in favor of the applicant.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant, a member of the ARNG, entered active duty for training from 12 March to 1 August 2002. On release from active duty for training, he was assigned Separation Code MBK and Reentry Code NA. According to AR 635-5, RE Codes are not applicable to officers, certain USMA cadets, or to Reserve Component Soldiers being separated for other than cause. The applicant was in fact separated for other than cause. However, AR 635-5-1, Separation Code MBK has a corresponding RE Code of 1. In the absence of any derogatory information or disqualifying factors, the Board determined, as a matter of equity, a correction to his RE Code from NA to 1 is appropriate. Additionally, since the applicant completed initial entry training that resulted in the award of an MOS, his character of service should be honorable.

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 the Army records of the individual concerned be corrected by amending his DD Form 214 as follows:

- Block 24 (Character of Service) Honorable vice Uncharacterized
- Block 27 1 vice NA.

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 601-210 (Active and Reserve Components Enlistment Program) covers eligibility criteria for enlistment and processing into the Regular Army, Army Reserve, and the Army National Guard (ARNG). This regulation provides that prior to discharge or release from active duty, individuals will be assigned RE codes based on their service records and the reason for separation. Table 3-1 provides a description of the RE codes and states RE code of 1 applies to persons completing their term of active service who are considered qualified to reenter the U.S. Army

3. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) prescribes the specific authorities and the reasons for the separation of members from active military service and the SPD codes to be used.

a. Appendix C, Table C-1 of the regulation in effect at the time shows that the SPD code of MBK, as shown on the applicant's DD Form 214, is appropriate when the narrative reason for separation is completion of required active service and the authority for discharge is Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), chapter 4.

b. Note 6 of Table C-1 states the code MBK is to be used for Regular Army Soldiers eligible to reenlist or with a declination of continued service statement in force who are released from active duty on completion of enlistment and transferred to the Reserve Component to complete military service obligation. Also to be used for ARNG of the United States or United States Army Reserve (USAR) Soldiers who are released from active duty on completion of required active service or period for which ordered to active duty.

4. Army Regulation 635-5 (Separation Documents), in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for the preparation of the DD Form 214. The regulation states for block 27, Army Regulation 601-210 determines Regular Army and USAR reentry eligibility and provides regulatory guidance on the RE codes. These codes are not applicable to officers, U.S. Military Academy (USMA) cadets who fail to graduate or enter USMA from active duty status, or to Reserve Component Soldiers being separated for other than cause.

//NOTHING FOLLOWS//