

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 November 2024

DOCKET NUMBER: AR20240001216

APPLICANT REQUESTS:

- correction of his retirement orders and DD Form 214 (Certificate of Release or Discharge from Active Duty) to show he was retired for length of service instead of physical disability
- correction of his DD Form 214 to show the Meritorious Service Medal

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

- DD Form 149 (Application for Correction of Military Record)
- U.S. Army Garrison, Fort Belvoir, Orders 070-0005, dated 11 March 2022
- U.S. Army Human Resources Command (AHRC) Permanent Order 341-0006, dated 7 December 2022 (Meritorious Service Medal)

FACTS:

1. The Board will not consider the applicant's request for correction of his DD Form 214 to show the Meritorious Service Medal. He provided, and his records contain, AHRC Permanent Order 341-0006, dated 7 December 2022, awarding him the Meritorious Service Medal for service during the period 19 December 2017 to 28 February 2023. This portion of the applicant's request will be addressed through an administrative correction without action by the Board.

2. The applicant states he would like to request a correction of the narrative reason for his separation. He learned that he was dropped from the Medical Evaluation Board(MEB)/Physical Evaluation Board (PEB) process as a result of receiving an approved continuation on active duty (COAD). As a result, he should have been retired for length of service instead of physical disability. He received multiple instances of misinformation leading up to and after his retirement. He went through the MEB process but requested COAD. Once approved, he was allowed to serve until attaining 20 years of active service. He was informed that he would be medically retired due to the MEB/PEB. However, he learned from the Fort Belvoir MEB team, months after he retired, that he was actually dropped from the MEB/PEB in December 2021. Therefore, he should have been retired for length of service. Additionally, he reached out to the

Army COAD team for additional assistance and was informed that due to the COAD approval, He should have been traditionally retired.

3. The applicant enlisted in the Regular Army on 13 February 2003.
4. On 23 August 2021, a PEB found the applicant unfit for further military service due to service-incurred medical disabilities. The PEB recommended a 40% disability rating and the applicant's permanent disability retirement.
5. On 11 March 2022, U.S. Army Garrison, Fort Belvoir, published Orders 070-0005 directing the applicant's retirement (non-disability) effective 28 February 2023 and his placement on the retired list effective 1 March 2023. The orders show he was credited with 20 years and 18 days of active service.
6. On 27 September 2022, U.S. Army Garrison, Fort Belvoir, published Orders 270- 0006 revoking U.S. Army Garrison, Fort Belvoir Orders 070-0005, dated 11 March 2022, pertaining to the applicant's non-disability retirement. The orders show the authority as Army Regulation 635-40 (Disability Evaluation for Retention, Retirement, or Separation).
7. On 5 April 2023, Department of the Army Orders 0004411725.00 were published directing the applicant's placement on the Permanent Disability Retired List effective 1 March 2023.
8. The applicant's DD Form 214 shows he was retired on 28 February 2023 under the authority of Army Regulation 635-40 by reason of disability, permanent.

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 request, supporting documents, and evidence in the records. The Board considered the applicant's statement and record of service, and the reason for separation. The applicant was retired by reason of disability, permanent. The Board noted the applicant had sufficient service for retirement; however, further noted no error or injustice in the proceedings. Based on a preponderance of the evidence, the Board denied relief.
2. The Board noted and concurred with the administrative note below.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

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.

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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.

ADMINISTRATIVE NOTE(S): correct the applicant's DD Form 214 by adding the Meritorious Service Medal.

REFERENCES:

1. Army Regulation 635-40 (Disability Evaluation for Retention, Retirement, or Separation) prescribes Army policy and responsibilities for the disability evaluation and disposition of Soldiers who may be unfit to perform their military duties due to physical disability. Chapter 6 (Continuation on Active Duty (COAD) and Continuation on Active Reserve (COAR) Status of Unfit Soldiers) prescribes the criteria for Soldiers continuation on COAD and continuation on COAR, as applicable, subsequent to being found unfit after completion of the duty-related Disability Evaluation System (DES) process.

a. The purpose of this exception to policy is to conserve manpower by effective use of needed skills or experience in a limited duty status.

b. The fact that a Soldier has or has not applied for COAD or COAR will not influence the determination of fitness or the determination of the disability rating percentage, when applicable.

c. The approval authority will determine the length of continuation on a case-by-case basis. Final determinations for enlisted Soldiers will take into consideration established dates for expiration term of service and retention control points. An approved period of continuation, to include to 20 years of active service, does not constitute a waiver of disability disposition at expiration of the continuation period.

d. A request for COAD may be approved for any period up to the last day of the month in which the Soldier attains 20 years of active service.

d. A Soldier's COAD or COAR will normally expire upon the end of the approved retention period. However, the COAD or COAR may be terminated earlier.

2. Approval authorities for COAD/COAR Soldiers will manage all COAD/COAR Soldiers during the COAD/COAR period. When the Soldier is within seven months of the end of the continuation period, the COAD/COAR manager must ensure the Soldier's unit commander and supporting medical treatment facility are aware of the expiration of the COAD/COAR period so the proper procedures can be accomplished. If the decision is made that the Soldier needs to go through the DES again prior to separation/retirement, the COAD/COAR manager will ensure that referral occurs. If the decision is made that the Soldier does not need to process through DES again, the COAD/COAR manager should notify the U.S. Army Physical Disability Agency (USAPDA). USAPDA will ensure that the Soldier's orders are issued reflecting a disability separation or retirement.

//NOTHING FOLLOWS//