

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 October 2024

DOCKET NUMBER: AR20240001410

APPLICANT REQUESTS: correction of block 12b (Separation Date This Period) of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period 7 August 2003 to 17 April 2010, to show a separation date of 20 April 2010.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Letter, U.S. Army Human Resources Command (AHRC), 26 December 2023
- Air National Guard/U.S. Air Force Reserve (ANG/USAFR) Point Credit Summary Inquiry, 11 January 2024

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, in effect, his discharge date should reflect 20 April 2010 but was recorded as 17 April 2010. This resulted in his records reflecting 2 days short of a full year of service for the year. Since he is still serving in another branch, this continues to affect his service record. His initial entry into the Army as a split option recruit was 20 April 2002. As evidenced by the signature blocks on his records, he completed his final out-processing paperwork on 21 April 2010. A copy of his Point Credit Summary shows his initial enlistment date along with the year 2009-2010 being short 2 days.
3. The applicant enlisted in the Regular Army (RA) on 7 August 2003 for 3 years. He reenlisted on 6 March 2006 for 4 years.
4. On 14 January 2010, the applicant extended his 4-year enlistment of 6 March 2006 by one (1) month, establishing his expiration date of service (ETS) date as 17 April 2010.

5. Orders 022-0103, issued by Headquarters III Corps and Fort Hood, 22 January 2010, reassigned him to the U.S. Army Transition Point for transition processing effective 17 March 2010. Date of release from active duty unless changed/rescinded: 17 March 2010. His expiration term of service is listed as 17 April 2010.

6. The applicant was honorably discharged from the RA upon the completion of his required active service on 17 April 2010. The DD Form 214 he was issued shows in:

- block 12a (Date Entered Active Duty This Period) "2003 08 07"
- block 12b "2010 04 17"
- block 12c (Net Active Service This Period) "0006 08 11"
- block 12d (Total Prior Active Service) "0000 02 05"

7. The applicant provides a Letter from an analyst of the Veterans Inquiry Branch, Army Service Center, AHRC, dated 26 December 2023, who states after reviewing his request and supporting documents, the service time listed on his DD Form 214 is correct as issued per his DD Form 4 (Enlistment/Reenlistment Contract – Armed Forces of the United States) and his separation order from active duty. He also provides his ANG/USAFR Point Credit Summary Inquiry dated 11 January 2024.

8. His Official Military Personnel File contains:

- SGLV-8286 (Servicemembers' Group Life Insurance Election and Certificate) completed on 21 April 2010.
- DD Form 93 (Record of Emergency Data) completed on 21 April 2010.
- Enlisted Record Brief dated 21 April 2010, which lists his expiration term of service (ETS) as 17 April 2010.
- Orders D-04-007872, AHRC, 27 April 2010, which honorably discharged the applicant from the U.S. Army Reserve on 27 April 2010.

9. Army Regulation 635-5 (Separation Documents) at the time established standardized procedures for preparation and distribution of the DD Form 214. The regulation states, in pertinent part, to enter in block 12b the Soldier's transition date. This date may not be the contractual date if Soldier is separated early, voluntarily extends, or is extended to make-up for lost time, or retained on active duty for the convenience of the Government.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's

contentions, the military record, and regulatory guidance were carefully considered. The applicant reenlisted on 6 March 2006 for 4 years and then extended his 4-yaer enlistment by 1 month, thus establishing his ETS date as 17 April 2010. His ERB and separation orders reflect his ETS date as 17 April 2010. Accordingly, his DD Form 214 correctly reflects this same ETS date. The Board noted that the applicant provides an SGLV Election and Certificate and a DD Form 93 both initialed on 21 April 2010. However, there is no evidence in the record and the applicant does not provide an Oath of Extension of Extension of Enlistment beyond 17 April 2010. If the applicant has in fact extended his enlistment by an additional 4 days, he may resubmit his application to this Board for reconsideration.

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.

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 at the time established standardized procedures for preparation and distribution of the DD Form 214. The regulation states, in pertinent part, to enter in block 12b the Soldier's transition date. This date may not be the contractual date if Soldier is separated early, voluntarily extends, or is extended to make-up for lost time, or retained on active duty for the convenience of the Government.
3. Army Regulation 15-185 prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//