

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 November 2024

DOCKET NUMBER: AR20240001528

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period of service 15 November 1996 through 20 February 1998 to reflect in item 18 (Remarks) he was ordered to active duty under Title 32 United States Code (USC), section 502, Public Law 98-94.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 for service ending 19 February 1998
- DD Form 215 (Correction to DD Form 214, Certificate of Release or Discharge from Active Duty) for service ending 20 February 1998
- National Guard Bureau (NGB) Form 23A (Army National Guard (ARNG) Current Annual Statement)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 he requests the correction of his DD Form 214 for the period of service 15 November 1993 through 19 February 1998 to reflect he was ordered to active duty under Title 32 USC, section 502, Public Law 98-94. He only has the Member – 1 copy of this DD Form 214 and is unable to provide the Service copy. He requests correction of this information and to be provided the Service copy to allow him to obtain Federal retirement credit for this period of service.
3. A review of the applicant's service record shows:
 - a. DA Form 2-1 (Personnel Qualification Record) shows in item 35 (Record of Assignments) during the prior of 15 November 1993 through 19 February 1998 the applicant served on active duty in an Active Guard/Reserve (AGR) status for 51-months.

b. With prior U.S. Air Force service, on 8 November 1993, Orders Number 221-002, issued by the Military Department of Arkansas (AR) Office of the Adjutant General, the applicant was ordered to full time National Guard duty in an AGR status, effective 15 November 1993, for a period of three years. The authority is as shown as Title 32 USC, section 502 (f) and Public Law 98-94, section 502.

c. On 5 October 1996, Orders Number 200-026, issued by the Military Department of AR Office of the Adjutant General, the applicant was ordered to full time National Guard duty in an AGR status, effective 15 November 1996, for a period of six years. The authority is as shown Title 32 USC, section 502 (f) and Public Law 98-94, section 502.

d. On 20 February 1998, the applicant was released from active duty. DD Form 214 shows the applicant completed 1-year, 3-months, and 6-days of active service. Item 18 (Remarks) does not reflect which authority ordered the applicant to active duty as a Reserve component Soldier. The only available copy of this DD Form 214 is the Member-1 copy which does not include blocks 23 through 30, i.e., the blocks that show character of service and the reason for separation with associated codes.

e. On 20 February 1998, the applicant executed his oath of office and was appointed in the [REDACTED] ARNG as a Reserve commissioned officer and was extended temporary Federal recognition.

f. On 23 February 1998, Orders Number 35-11, issued by the Military Department of AR Office of the Adjutant General, the applicant was appointed in the ARNG, effective 20 February 1998, after he was honorably discharged as an enlisted Soldier from the ARNG, effective 19 February 1998.

g. On 27 March 1998, Special Orders Number 57, issued by the NGB, the applicant was appointed in the [REDACTED] ARNG, effective 20 February 1998.

h. DD Form 214 shows the applicant was ordered to active duty in support of Operation Enduring Freedom, effective 15 March 2003. He was honorably released from active duty effective 5 October 2003. He completed 6-months and 21-days of active service. It also shows in item 18, he was ordered to active duty in support of Enduring Freedom in accordance with Title 10 USC, section 12302.

i. DD Form 214 shows the applicant was ordered to active duty, effective 1 October 2007. He was honorably released from active duty effective 4 January 2008. He completed 3-months and 4-days of active service. It also shows in item 18, he was ordered to Title 32, active duty special work for pre-deployment training.

j. DD Form 214 shows the applicant was ordered to active duty in support of Operation Iraqi Freedom, effective 5 January 2008. He was honorably released from active duty, effective 19 January 2009. He completed 1- year and 15-days of active service. It also shows in item 18, he was ordered to active duty in support of Operation Iraqi Freedom in accordance with Title 10 USC, section 12302.

k. On 27 June 2023, Orders Number 178-01, issued by the NGB, the applicant was ordered to active duty for a 6-year active duty commitment. The authority is shown as Title 10 USC, section 12301 (d) in accordance with Title 32 USC, section 708.

4. The applicant provides his NGB Form 23A which shows the period of service for 15 November 1993 through 19 February 1998 was coded B4 (ARNG AGR under Title 32, USC, State controlled and ARNG Active Duty Operational Support (ADOS) under Title 32 USC).

BOARD DISCUSSION:

After reviewing the application and all supporting documents, 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 review based on law, policy, and regulation. The Board determined the evidence of record shows the applicant's record is incomplete. The Board noted the applicant's Orders that show an honorable discharge effective 19 February 1998, consistent with the timeframe of the DD Form 214; therefore, his DD Form 214 should be corrected to include the corresponding blocks in Special Additional Information for the service copy of the DD Form 214.

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 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 19 February 1998 to show in:

- item 18 (Remarks): Ordered to active duty under Title 32 United States Code (USC), section 502, Public Law 98-94
- item 23 (Type of Separation): Reason from Active Duty
- item 24 (Character of Service): Honorable
- item 25 (Separation Authority): Army Regulation 600-8-24
- item 26 (Separation Code): MBK
- item 27 (Reentry Code): NA
- item 28 (Narrative Reason for Separation): Completion of Required Active Service
- item 29 (Dates of Time Lost During This Period): None



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, USC, 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 (AR) 635-8 (Personnel Separations – Separation Processing and Documents), prescribes the transition processing function of the military personnel system. It provides principles of support, standards of service, policies, tasks, rules, and steps governing required actions in the field to support processing personnel for separation and preparation of separation documents. Paragraph 5-6 (Rules for completing the DD Form 214), r. Block 18: Remarks. Use this block for Headquarters Department of the Army mandatory requirements when a separate block is not available. (g) For Reserve Component (RC) Soldiers ordered to active duty, participating in or supporting a contingency operation, and deployed to a foreign country, enter the following three statements in 1, 2, and 3, below in succession. For RC Soldiers ordered to active duty, participating in or supporting a contingency operation, and stationed in CONUS enter statements in 1 and 3, below. For active duty Soldiers, list any/all Outside Continental U.S. deployments completed during the period of the DD Form 214 being created in statement 2, below. 1. "ORDERED TO ACTIVE DUTY IN SUPPORT OF (OPERATION NAME) PER 10 USC (applicable section)." 2. "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates)." 3. "SOLDIER HAS/HAS NOT COMPLETED PERIOD FOR WHICH ORDERED TO ACTIVE DUTY FOR PURPOSE OF POST-SERVICE BENEFITS AND ENTITLEMENTS."

//NOTHING FOLLOWS//