

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 November 2024

DOCKET NUMBER: AR20240001929

APPLICANT REQUESTS: in effect, the Member-4 copy of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period 9 August 1985 to 8 May 1988, be corrected show the entries at the bottom of the form (authority, character, reason, separation coed, and reentry code).

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

- DD Form 149 (Application for Correction of Military Record)
- 3 DD Forms 214
- Letter, Defense Finance and Accounting Service (DFAS), 5 October 2023
- 6 pages of electronic mail (email)

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:

a. All archived copies of his DD Form 214 for the period 9 August 1985 to 8 May 1988 do not contain the Special Additional Information fields for blocks 23 (Type of Separation) through block 30 (Member Requests Copy 4). He repeatedly reached out to the U.S. Army Human Resources Command (AHRC) and the National Personnel Records Center (NPRC) to request a copy of his DD Form 214 with the information. AHRC stated they do not maintain records that far back and NPRC stated "They only have what they have."

b. He is trying to retire from civil service under family emergency medical and DFAS rejected his DD Form 214 because it does not have block 24 (Character of Service) "honorable" listed. Without this correction, he will not be able to buy back his military time thus forcing a financial hardship for retirement after serving almost 39 years military and civil service.

3. The applicant's provides, and his record contains a DD Form 214 (Member-1) which shows he enlisted in the Regular Army on 9 August 1985 and completed training for award of military occupational specialty 67B, Observation/Scout Helicopter Repairer

a. Permanent Order 4-4 issued by Headquarters, 4th Attack Helicopter Battalion, 4th Infantry Division (Mechanized), on 12 February 1987, awarded him the Army Achievement Medal for achievement from 12 April 1986 to 2 April 1986

b. Permanent Orders 088-15, issued by Headquarters, 4th Infantry Division (Mechanized), on 6 May 1988, awarded him the Army Good Conduct Medal (1st Award) for the period 9 August 1985 through 8 May 1988

c. He was separated in the rank of specialist/E-4 (effective date of pay grade as 1 July 1987) on 8 May 1988 after completing 2 years and 9 months of active service. He was last assigned to Company A, 4th Aviation Fort Carson, CO.

d. His DD Form 214 shows he was awarded or authorized the: Army Service Ribbon, Aircraft Crewmember Badge, Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16), and Army Good Conduct Medal.

e. On release from active duty, he was reassigned to Headquarters and Headquarters Company, 53rd Infantry Brigade, Lakeland FL, a unit of the Florida Army National Guard (FLARNG).

f. The bottom part of the DD Form 214 is cut. This part contains the authority for separation, character of service, reason for separation, separation code, reentry code, and lost time (if any).

5. He enlisted in the FLARNG on 9 May 1988 for 5 years and 1 month and extended this enlistment on 3 May 1996.

a. He entered active duty on 1 February 1991 in support of Operation Desert Storm, and he was honorably released from active duty on 23 July 1991, in accordance with chapter 4 of Army Regulation 635-200 (Personnel Separation), Separation Code LBK, for expiration of active service.

b. He was promoted to sergeant/E-5 in the ARNG on 12 September 1992.

c. He was honorably discharged from the ARNG on 14 October 1998. His NGB Form 22 (Report of Separation and Record of Service) shows he completed 10 years, 5 months, and 6 days of ARNG service.

6. The applicant provided 6 pages of email from NPRC and AHRC corroborating his attempts to retrieve a copy of his DD Form 214 (Member-4) for the period 9 August 1985 to 8 May 1988, to no avail.

7. Army Regulation 635-8 (Separation Processing and Documents) prescribes the transition processing function of the military personnel system. It establishes the standardized policy for preparing and distributing the DD Form 214.

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.

a. The applicant served on active duty in the Regular Army from 9 August 1985 to 8 May 1988. The only available copy of his DD Form 214 is one that is cut at the bottom and does not contain the entries or fields for blocks 23 (Type of Separation) through block 30 (Member Requests Copy 4). He clearly reached out to various agencies or organizations that could potentially have a copy of a complete DD Form 214, but he was unsuccessful. Normally, when a DD Form 214 is not available, the Board may direct issuance of a Transcript of Service. However, a DD Form 214 is available in this case, albeit cut at the bottom. Also, normally, when an applicant requests a specific record correction, the applicant has the burden of proof. This is still true. However, the Board also found that the Army had a responsibility to maintain a copy of his DD Form 214.

b. The evidence shows the applicant completed MOS training, was awarded multiple awards (Army Good Conduct Medal & Army Achievement Medal) and completed various other training. He was separated in the rank of E-4 after completing 2 years and 9 months in what appears to be a 3-year enlistment. He also immediately enlisted in the ARNG following his release from active duty. In view of the totality of his service, in the interest of clarity, and as matter of equity, the Board determined his DD Form 214 should be corrected to show he was honorably released from active duty in accordance with chapter 4 of Army Regulation 635-200 due to expiration of term of service with Separation Code MBK and Reentry Code 1.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

In addition to the correction addressed in Administrative Note(s) below, 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 the applicant's DD Form 214 ending on 8 May 1988 as follows:

- Block 23 (Type of Separation) Release from Active Duty
- Block 24 (Character of Service) Honorable
- Block 25 (Separation Authority) AR 635-200, Chapter 4
- Block 26 (Separation Code) MBK
- Block 27 (Reentry Code) 1
- Block 28 (Narrative Reason for Separation) Completion of Required Active Service
- Block 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.

ADMINISTRATIVE NOTE(S): make the following correction to the applicant's record by issuing a DA Form 1569 for the period 9 August 1985 to 8 May 1988 and adding the Army Achievement Medal.

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 635-8 prescribes the transition processing function of the military personnel system. It establishes the standardized policy for preparing and distributing the DD Form 214. It states the DD Form 214 provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. Paragraph 8-2c states a DD Form 214 will not be issued to replace copies or DD Forms 214 lost by the Soldier. If no DD Form 214 is available, issue DA Form 1569 (Transcript of Military Record).
3. Army Regulation 15-185 (ABCMR) 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//