

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 September 2024

DOCKET NUMBER: AR20240002028

APPLICANT REQUESTS:

- in effect, correction of block 12a (Date Entered Active Duty This Period) of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show he entered active duty on 19 February 1975 instead of 17 October 1977
- a personal appearance hearing before the Board via video or telephone.

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

- DD Form 149 (Application for Correction of Military Record)
- Honorable Discharge Certificate
- DD Form 214

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 he originally enlisted on 19 February 1975 and served until 16 October 1977; however, this period is reflected as prior active service in block 12d (Total Prior Active Service). He is applying for military service credit buyback and needs this corrected to have his first enlistment included as active military time.
3. The applicant enlisted in the Regular Army (RA) on 19 February 1975.
4. He was honorably discharged 16 October 1977 for immediate reenlistment, after completing 2 years, 7 months, and 28 days of active service. He provides an Honorable Discharge Certificate which shows he was honorably discharged from the RA on 16 October 1977. His service record does not contain, and he did not provide a DD Form 214 for the period 19 February 1975 to 16 October 1977.

5. The applicant immediately reenlisted in the RA on 17 October 1977 followed by subsequent reenlistments on 19 December 1980, 24 October 1983, and 2 September 1986.

6. On 30 September 1992, he was honorably discharged as part of a reduction in authorized strength through the qualitative early transition program. The DD Form 214 he was issued shows in:

- block 12a "77-10-17"
- block 12b (Separation Date This Period) "92-09-30"
- block 12c (Net Active Service This Period) "14-11-14"
- block 12d "02 07 28"
- block 12f (Foreign Service) "05-05-23"

7. Army Regulation 15-185 (ABCMR) states an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted. The Board found the available evidence sufficient to consider this case fully and fairly without a personal appearance by the applicant.

2. Prior to October 1979, Soldiers were issued a DD Form 214 each time they were discharged for immediate reenlistment. It appears the applicant did not retain a copy of the DD Form 214 he would have been issued on 16 October 1977 and unfortunately a copy was not filed in his service record. Policy governing the DD Form 214 prohibits reissuing the form to replace copies lost by the service member. The Board determined there is no error or injustice in this case and concurred with the correction described in Administrative Note(s) below.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

Other than the correction addressed in Administrative Note(s) below, the Board determined 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 otherwise insufficient as a basis for correction of the records of the individual concerned.

3/6/2025
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CHAIRPERSON <div style="background-color: black; width: 80px; height: 15px; margin: 0 auto;"></div>

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): Issue the applicant a DA Form 1569 (Transcript of Military Record) for the period 19 February 1975 to 16 October 1977.

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 (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. 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.

a. Paragraph 5-2f provides that a DD Form 214 is not prepared for enlisted Soldiers discharged for immediate reenlistment in the Regular Army.

b. Paragraph 5-6r (4)(a) and (b) provides guidance related to conditional entries made in block 18.

(1) For enlisted Soldiers with more than one enlistment period during the time covered by the DD Form 214, enter "IMMEDIATE REENLISTMENTS THIS PERIOD" and specify the appropriate dates.

(2) For Soldiers who have previously reenlisted without being issued a DD Form 214 and who are later separated with any characterization of service except "honorable," enter "CONTINUOUS HONORABLE ACTIVE SERVICE FROM" (first day of service which DD Form 214 was not issued) UNTIL (date before commencement of current enlistment)." Then, enter the specific periods of reenlistments as prescribed above.

c. 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.

3. Army Regulation 600-8-22 (Military Awards) states:

a. The Kuwait Liberation Medal – Saudi Arabia awarded by the Kingdom of Saudi Arabia was approved on 3 January 1992 and is awarded to members of the Armed Forces of the United States who participated in the Persian Gulf War between 17 January 1991 and 28 February 1991. Additionally, this regulation also states the Kuwait Liberation Medal – Kuwait awarded by the Government of Kuwait was approved on 9 November 1995 and is awarded to members of the Armed Forces of the United States who participated in the Persian Gulf War between 2 August 1990 and 31 August 1993.

b. The Korea Defense Service Medal is authorized for award to members of the Armed Forces of the United States who have served on active duty in support of the defense of the Republic of Korea. The period of eligibility is 28 July 1954 to a date to be determined by the Secretary of Defense. Only one award of the Korea Defense Service Medal is authorized for any individual.

4. 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 may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires. 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//