

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 November 2024

DOCKET NUMBER: AR20240002299

APPLICANT REQUESTS: in effect, correction to his DD Form 214 ending on 1 May 2010 to show type of separation as retirement and total Active Duty time, Inactive Duty time and Overseas time.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Report of Separation from Active Duty), 23 April 1976
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 23 November 1981
- DD Form 214, 18 March 1991
- DD Form 215 (Correction to DD Form 214), 15 January 1992
- DD Form 214, 23 September 1995
- DD Form 214, 31 January 2006
- DD Form 214, 1 May 2010
- DFAS Form 702 (Defense Finance and Accounting Service (DFAS) Military Leave and Earnings Statement (LES)), 14 May 2010
- Summary of Retired Pay Account, 14 June 2010

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 was an Army Reserve member serving on active duty when he retired at Fort Sill, OK, on 3 May 2010. The separation and retirement center did not have access to his military personnel file information, so his DD Form 214 did not reflect the total of his active-duty time, inactive duty time or overseas time nor that it was a retirement DD Form 214. He would like to have a DD Form 214 that reflects "Retirement" for his personal pride and final benefits for his family. He contacted several offices before but no results. He came across the Army Review Boards Agency on his "EBENEFITS" and made this contact.

3. A review of the applicant's service records show:

a. On 20 April 1972, DD Form 214 shows the applicant entered active duty in the U.S. Air Force. He was honorably discharged on 23 April 1976. It shows in:

- item 18a (Net Active Service This Period) – 3 years, 11 months, and 28 days
- item 18d (Prior Inactive Service) – "00 00 00"
- item 18f (Foreign and/or Sea Service This Period) – 3 months and 3 days
- item 21 (Time Lost) – 6 days

b. On 30 November 1979, DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States) shows he enlisted in the Regular Army. DD Form 214 shows he was discharged on 23 November 1981. It shows in:

- item 12c (Net Active Service This Period) – 1 year, 11 months, and 24 days
- item 12d (Total Prior Active Service) – 3 years, 11 months, and 28 days
- item 12e (Total Prior Inactive Service) – "00 00 00"
- item 12f (Foreign Service) – "00 00 00"

c. On 7 March 1985, he enlisted in the U.S. Army Reserve (USAR) for a period of 6 years.

d. On 24 April 1987, he enlisted in the Army National Guard (ARNG) for 4 years. National Guard Bureau Form 22 (Report of Separation and Record of Service) shows he was released from the ARNG on 1 April 1988 and was transferred to the USAR Control Group (Reinforcement). It shows in:

- item 10a (Net Service This Period) – 11 months and 8 days
- item 10b (Prior Reserve Component Service) – 2 years, 1 months, and 17 days
- item 10c (Prior Active Federal Service) – 5 years, 11 months, and 22 days
- item 10d (Total Service for Pay) – 9 years and 17 days

e. On 22 January 1991, DD Form 214 shows he entered active duty. He was released from active duty and was transferred to his USAR unit in Oklahoma on 18 March 1991. Item 12c (Net Active Service This Period) shows 1 month and 27 days.

f. On 21 March 1991, he enlisted in the USAR for 6 years.

g. On or about 15 January 1992, DD Form 215 amended DD Form 214 ending 18 March 1991 to show in:

- item 12d (Total Prior Active Service) – 5 years, 11 months, and 22 days

- item 12e (Total Prior Inactive Service) – 5 years, 10 months, and 15 days

h. On 19 April 1995, DD Form 214 shows he entered active duty. He was released from active duty and was transferred to his USAR unit in Oklahoma on 23 September 1995. Item 12c (Net Active Service This Period) shows 5 months and 5 days.

i. On 12 January 1997 and 5 January 2003, he reenlisted in the USAR.

j. On 6 May 2004, DD Form 214 shows he entered active duty. He was released from active duty and was transferred to his USAR unit in Arkansas on 31 January 2006. It shows in:

- item 12c (Net Active Service This Period) – 1 year, 8 months, and 25 days
- item 12d (Total Prior Active Service) – 6 years and 5 months
- item 12e (Total Prior Inactive Service) – 18 years, 8 months, and 27 days

k. On 3 April 2008, the Regional Support Group – West published Orders Number 08-094-00024, which ordered the applicant to active duty for 365 days in support of Operation Enduring Freedom with a report date on 6 June 2008.

l. On 10 June 2009, the U.S. Army Human Resources Command (AHRC) St. Louis, MO, published Orders Number A-06-916702, which retained the applicant on active duty for 60 days to participate in the Reserve Component (RC) Warriors in Transition Medical Retention Processing Program (MRPP) for the purpose of medical evaluation with a report date of 9 June 2009.

m. On 11 June 2009:

- AHRC amended the report date to 6 June vice 9 June 2009
- Headquarters, 85th Support Command published Orders Number 09-162-00001, which reassigned the applicant to the Retired Reserve, effective 27 July 2009

n. On 27 August 2009, AHRC St. Louis, published Orders Number A-08-9248032, which retained the applicant on active duty for 358 days to participate in the RC Warriors in Transition MRPP for the purpose of medical evaluation with a report date of 26 August 2009. On 20 October 2009, AHRC amended the report date to 5 August 2009 vice 26 August 2009.

o. On 1 March 2010, after multiple amendments, AHRC published Orders Number A-08-924032A05, which amended the applicant's period of active duty to 270 days vice 220 days, and end date to 1 May 2010 vice 12 March 2010.

p. On 22 March 2010, Headquarters, U.S. Army Garrison Fort Sill, OK, published Orders Number 081-1315, which released the applicant from active duty and assigned him to the USAR Control Group (Retired Reserve), effective 1 May 2010.

q. On 1 May 2010, DD Form 214 shows the applicant was honorably released from active duty and was transferred to the USAR Control Group (Retired Reserve). It shows in:

- item 12c (Net Active Service This Period) – 1 year, 10 months, and 26 days
- item 12d (Total Prior Active Service) – 8 years, 1 month, and 25 days
- item 12e (Total Prior Inactive Service) – 21 years, 1 month, and 2 days
- item 25 (Separation Authority) – Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), Chapter 4 (Expiration of Service Obligation)
- item 26 (Separation Code) – MBK
- item 28 (Narrative Reason for Separation) – Completion of Required Active Service

r. On 11 June 2010, AHRC published Orders Number P06-923865, which placed the applicant on the Army of the United States Retired List, effective 3 May 2010.

s. DA Form 5016 (Chronological Statement of Retirement Points) dated 6 November 2024 shows, in pertinent part, the applicant's total retirement points earned as follows:

- 865 Inactive Duty Training points
- 371 Membership points
- 4301 Active Duty Training points
- 28 years, 7 months, and 28 days Qualifying for Retirement
- 5489 Total Points Creditable

4. The applicant provides:

a. DFAS Form 702 (DFAS Military LES) dated 14 May 2010, which shows his pay date as 17 March 1979, 31 years of service, and his branch as USAR.

b. Summary of Retired Pay Account prepared on 14 June 2010, which shows his date of retirement as 3 May 2010. It also shows his service for basic pay and equivalent years of service.

**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 evidence shows in addition to his U.S. Air Force active service, the applicant entered active duty multiple times, as a member of the U.S. Army Reserve. He was issued multiple DD Forms 214, some of which were amended via a DD Form 215, capturing his active service.

a. DD Form 214 for retirement: Deny. The applicant did not retire from active duty. He retired from the U.S. Army Reserve and was issued an order transferring him to the Retired List. The DD Form 214 is a record of continuous active service. Reserve service is not active service. The applicant never qualified for an active duty length of service retirement. Additionally, consolidation of two or more DD Forms 214 is not authorized.

b. Inactive service: Deny. Each of the applicant's DD Forms 214 reflects his inactive service. Additionally, the Board found his DA Form 5016 (Chronological Record of Retirement Points) correctly reflects his active and inactive service.

c. Foreign service: Deny. Each DD Form 214 reflects the foreign service completed during the period covered by 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 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, 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) 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the Army Board for Correction of Military Records (ABCMR). In pertinent part, it states that 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. The ABCMR will decide cases based on the evidence of record. It is not an investigative agency.
3. AR 635-200 (Active Duty Enlisted Administrative Separations), in effect at that time, sets policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Chapter 4 (Separation for Expiration of Service Obligation), paragraph 4-2h (Discharge or release from active duty upon termination of enlistment and other periods of active duty or active duty for training) states, Soldiers of the Army National Guard of the United States and the USAR ordered to Active Duty for a period in excess of 90 days will, upon release from Active Duty, revert to control of the appropriate Reserve Component.
4. AR 635-5 (Separation Documents) in effect at the time prescribes the separation documents that must be prepared for Soldiers on retirement, discharge, release from active duty service, or control of the Active Army. It establishes standardized policy for preparing and distributing the DD Form 214. Paragraph 2-1 (Preparing the DD Form 214) states, the DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clearcut record of active duty service at the time of release from active duty, retirement, or discharge. Paragraph 2-4 (Completing the DD Form 214) provides detailed instructions and source document(s) for completing each block of the DD Form 214. The instructions for:
  - a. Item 12c (Net Active Service This Period) states to enter Amount of service this period, computed by subtracting item 12a (Date Entered Active Duty) from 12b (Separation Date This Period). Lost time under Title 10, U.S. Code, section 972, and non-creditable time after expiration term of service, if any, are deducted. Such time will be identified in block 18 (Remarks).

b. Item 12d (Total Prior Active Service) states, from previously issued DD Forms 214, enter total amount of prior active military service less lost time, if any. If not applicable, enter "00 00 00."

c. Item 12e (Total Prior Inactive Service) states, from previously issued DD Forms 214 and/or Enlisted Record Brief (ERB)/Officer Record Brief (ORB), enter the total amount of prior inactive service, less lost time, if any. Delay Entry Program time that began on or after 1 January 1985 is not creditable service for pay purposes and will not be entered in this block. However, it is creditable service for completing the statutory Military Service Obligation and will be entered in block 18.

d. Item 12f (Foreign Service) states, from the ERB/ORB, enter the total amount of foreign service completed during the period covered in block 12c.

//NOTHING FOLLOWS//