

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 July 2025

DOCKET NUMBER: AR20240002350

APPLICANT REQUESTS: active-duty orders covering the period of 30 March 2021 – 25 April 2021 with the subsequent correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) showing continuous service.

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

- DD Form 149 (Application for Correction of Military Record)
- Orders Number 29-349-0034 (A1) – reflective of Orders Number 29-349-0034 being amended to reflect 362 days rather than 365
- Orders Number 29-349-0034 – reflective of the applicant being ordered to active duty for a period of 365 days in support of Operation Enduring Freedom, effective 3 January 2020; Authority: Title 10 USC, Section 12304(b)
- Orders Number MM-0363-00005A01 – reflective of Orders Number MM-0363-00005 being amended to reflect a tour length of 90 days rather than 60 days; end date of 29 March 2021
- Orders Number MM-0363-00005 – reflective of the applicant being retained on active duty to participate in the Reserve Component Warriors in Transition Medical Retention Processing Program under the provisions of Title 10 USC, Section 12301(H) for a period of 60 days, effective 30 December 2020
- Orders Number 29-1120-00172 – reflective of the applicant being ordered to Full-Time National Guard Duty – Operational Support from 26 April 2021 – 9 June 2021; Purpose: Medical Treatment
- Orders Number NG-1132-00003A01 – reflective of Orders Number NG-1132-00003 being amended to reflect 49 days rather than 57 days; end date of 28 July 2021
- Orders Number NG-1132-00003 – reflective of the applicant being ordered to active duty under the provisions of Title 10 USC, Section 12301(H) for a period of 57 days, effective 10 June 2021
- Spreadsheet – reflective of the applicant's orders history from 3 January 2020 – 10 June 2021; applicant notes that he is short 29 days of active-duty service that he should have been issued orders for (30 March 2021 – 25 April 2021)
- DD Form 214 covering the period of 3 January 2020 – 29 March 2021

- National Guard Bureau (NGB) Form 23A (Army National Guard (ARNG) Current Annual Statement) - reflective of the applicant's qualifying service performed between 1 October 2008 – 1 October 2023
- Memorandum – Subject: Line of Duty Determination, 11 March 2021 – reflective of the applicant's right shoulder injury being determined to have incurred in the line of duty
- DA Form 2173 (Statement of Medical Examination and Duty Status) – reflective of the applicant's right shoulder injury being determined to have incurred in the line of duty

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 part he:

- Was not paid nor accrued leave during the requested period
- His DD Form 214 issued after this period is void of the 29 days that he should have received had his Title 10 USC, Section 12301(H) orders been continuous

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

- After serving in the Regular Army for over 5 years, he enlisted in the ARNG on 17 October 2013
- On 3 January 2020 – he was ordered to active duty
- On 28 December 2020 (Orders Number MM-0363-00005) – he was retained on active duty to participate in the Reserve Component Warriors in Transition Medical Retention Processing Program under the provisions of Title 10 USC, Section 12301(H) for a period of 60 days, effective 30 December 2020
- On 29 December 2020 (Orders Number MM-0363-00005A01) - Orders Number MM-0363-00005 was amended to reflect a tour length of 90 days rather than 60 days: end date of 29 March 2021
- On 29 March 2021 – he was honorably released from active duty
- On 12 May 2021 (Orders Number NG-1132-00003) – he was ordered to active duty under the provisions of Title 10 USC, Section 12301(H) for a period of 57 days, effective 10 June 2021
- On 26 July 2021 (Orders Number NG-1132-00003A01) - Orders Number NG-1132-00003 was amended to reflect 49 days rather than 57 days: end date of 28 July 2021

4. On 17 January 2025, the NGB, Chief, Special Actions Branch, provided an advisory opinion recommending approval of the applicant's request noting that he was mobilized in support of Operation Enduring Freedom on 3 January 2020. He sustained an In Line of Duty (LOD) injury while deployed. He was subsequently placed on 12301(H) orders due to the LOD on 30 December 2020 once returning from mobilization. He had a break in orders from 30 March 2021 to 25 April 2021 and was placed on active-duty training orders from 26 April 2021 to 9 June 2021 and Reserve Component Medical Care orders from 10 June 2021 to 28 July 2021. The NCARNG provides that in accordance with Department of Defense Instruction (DoDI) 5124.05 and Title 10 USC, Section 12301(H) the applicant should have been retained on medical orders until he was return to duty eligible or completed the Integrated Disability Evaluation System process. Due to administrative shortfalls, processing delays, gaps in regulatory guidance and processing, impacted Soldiers were not retained on such duty until reaching the medical decision point or returned to duty. The applicant did not receive continuous orders or benefits that he was entitled to and is requesting a continuous order and records to reflect this change. For these reasons, it is the recommendation of this office that the applicant's request be approved. He should be on continuous Title 10 orders from 30 December 2020 to 28 July 2021. His records should be updated to include his NGB Form 23A and DD Form 214.

5. On 25 March 2025, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. He did not respond.

#### 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. The Board concurred with the advisory opinion noting the applicant sustained a LOD injury while deployed. He was subsequently placed on 12301(h) orders due to the LOD on 30 December 2020 once returning from mobilization. He had a break in orders from 30 March 2021 to 25 April 2021 and was placed on active duty training orders from 26 April 2021 to 9 June 2021 and Reserve Component Medical Care orders from 10 June 2021 to 28 July 2021. The applicant should have been retained on medical orders until he was return to duty eligible or completed the Integrated Disability Evaluation System process. The applicant should have been on continuous Title 10, USC, section 12301(h) orders from 30 December 2020 to 28 July 2021.

# BOARD VOTE:

| <u>Mbr 1</u> | <u>Mbr 2</u> | <u>Mbr 3</u> |                      |
|--------------|--------------|--------------|----------------------|
| :XX          | :XX          | :XX          | GRANT FULL RELIEF    |
| :            | :            | :            | GRANT PARTIAL RELIEF |
| :            | :            | :            | GRANT FORMAL HEARING |
| :            | :            | :            | DENY APPLICATION     |

# BOARD DETERMINATION/RECOMMENDATION:

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 and Army National Guard records of the individual concerned be corrected by:

- amending Orders Number MM-0363-00005A01, Headquarters U.S. Army Medical Command, dated 29 December 2020, to show 30 March 2021 through 25 April 2021
- entitlement to back pay and allowances as a result of this correction
- correction of his NGB Form 23A with applicable time
- amendment of his DD Form 214 to show in:
  - item 12b: 25 April 2021
  - item 12c: 1 year, 5 months, and 24 days

**X** //signed//

CHAIRPERSON  
Signed by:

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 (AR) 635-8 (Separation Processing) provides that the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. When separation is ordered, the separation approval documents must be present for transition processing to occur. Source documents, as listed below, must be present in a Soldier's record in order to complete the DD Form 214. Source documents will consist of:

- Service Member's Record Brief
- Separation approval documents
- Separation order
- Any other document authorized for filing in the Army Military Human Resources Record

DD Form 214, Item 12b (Separation Date This Period) will contain the Soldier's transition date. This date may not be the contractual date if the Soldier was separated early, voluntarily extends, is extended to make up lost time, or is retained on active duty for the convenience of the Government.

3. Title 10 USC, section 12301(H) (Reserve Components) provides that in time of war or of national emergency declared by Congress, or when otherwise authorized by law, an authority designated by the Secretary concerned may, without the consent of the persons affected, order any unit, and any member not assigned to a unit organized to serve as a unit, of a reserve component under the jurisdiction of that Secretary to active duty for the duration of the war or emergency and for six months thereafter. When authorized by the Secretary of Defense, the Secretary of a military department may, with the consent of the member, order a member of a reserve component to active duty

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- to receive authorized medical care;
- to be medically evaluated for disability or other purposes; or
- to complete a required Department of Defense health care study, which may include an associated medical evaluation of the member

a. A member ordered to active duty under this subsection may, with the member's consent, be retained on active duty, if the Secretary concerned considers it appropriate,

for medical treatment for a condition associated with the study or evaluation, if that treatment of the member is otherwise authorized by law.

b. A member of the ARNG of the United States or the Air National Guard of the United States may be ordered to active duty under this subsection only with the consent of the Governor or other appropriate authority of the State concerned.

4. AR 600-8-105 (Military Orders) provides that orders are published to order individuals onto active duty or change the status of military personnel on active duty. Only the organization that published the original order may amend, rescind, or revoke the order. When there is no evidence of fraud or obvious error and the Soldier received actual or constructive delivery, orders discharging a Soldier from the service will not be revoked after the effective date of discharge unless the revocation is a written confirmation of verbal orders issued before the effective date of discharge. An order may be corrected by the organization that published the original order to show the true state of affairs existing at the time the original order was published. Orders may only be changed to reflect facts that existed when the original order was published.

//NOTHING FOLLOWS//