

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 May 2025

DOCKET NUMBER: AR20240002351

APPLICANT REQUESTS: in effect, to be issued a DD Form 214 (Certificate of Release or Discharge from Active Duty) for 179 days of active duty service.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 1270 (Transfer or Release to Reserve Component of the Army) dated 4 July 1956, which indicates the applicant was released from active duty for training and returned to his U.S. Army Reserve (USAR) unit to fulfill the remainder of his current enlistment and/or 8 year service obligation
- Section B shows the applicant served on initial active duty for training from 7 January to 4 July 1956
- National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service) ending on 1 December 1987, which shows the applicant was released from the New York Army National Guard (NYARNG) and was transferred to the USAR Control Group (Reinforcement) on 1 December 1987
- DARP Form 249-2-E (Chronological Statement of Retirement Points) dated 16 April 1996, which shows in pertinent part, for the anniversary/retirement year from 28 November 1955 to 27 November 1956, he had 179 active duty points
- National Personnel Records Center (NPRC) letter dated 30 November 2023, which states the applicant contacted the NPRC regarding a correction of his records; he was informed to contact the Army Review Boards Agency

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 requests to correct his records to show 179 days of continuous service
- He has attached proof to support his case; see the from and to dates on DA Form 1270
- He cannot get a DD Form 214; "see your letter to Touchstone Research Group dated 26 July 2016" (unavailable)

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

- DA Forms 2-1 (Personnel Qualification Record) show in item 35 (Record of Assignments), the applicant had USAR enlisted service not on active duty from 28 November 1955 to 3 August 1960, for a period of 56 months
- On 11 August 1959, he completed the National Guard Officer Candidate Course
- On 1 September 1960, Special Orders Number 171 appointed the applicant to the rank of second lieutenant (2LT), in the NYARNG, effective 4 August 1960
- On 9 December 1963, the applicant was promoted to rank/grade of first lieutenant (1LT)/O-2, effective 3 August 1963
- On 21 July 1964, Special Orders Number 142 released the applicant from the NYARNG, effective 2 July 1964
- After a break in service, the applicant served continuously in the ARNG and USAR as a commissioned officer until being placed on the retired list
- On 22 October 1996, Orders Number P-10-308595 placed the applicant on the Army of the United States retired list, effective 6 June 1997
- DA Form 5016 (Chronological Statement of Retirement Points) dated 13 May 2025, shows the during the anniversary/retirement year ending:
 - 28 November 1955 to 27 November 1956 – he had 23 Inactive Duty Training Points, 15 Membership Points, 179 Active Duty Points, 1 year qualifying for retirement, and 217 Total Points Creditable

4. The applicant's available service record does not contain a DD Form 214.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the information reflected on the applicant's DA Form 1270 and DA Form 5016, the Board concluded there was sufficient evidence to show the applicant completed a period of active duty service from January 1956 to July 1956 warranting a DD Form 214, reflecting his honorable service.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:XXX	:XXX	:XXX	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 Army records of the individual concerned be corrected by generating a DD Form 214 for the applicant's honorable active-duty service from January 1956 to July 1956.

In the alternative, if there is not sufficient evidence to generate a DD Form 214, the Board recommends generating a certificate of service for the same period.

//SIGNED//

X

CHAIRPERSON

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) 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 635-8 (Separation Processing and Documents), currently in effect, states in:

a. Chapter 5 (Preparing Separation Documents), paragraph 5-1 (When to prepare the DD Form 214), 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. In pertinent part, a DD Form 214 will be prepared for Reserve Component (RC) Soldiers in the following categories:

(1) RC Soldiers completing 90 days or more days of continuous active duty. For example, such periods may consist of Active Duty Operational Support (ADOS), contingency operations-ADOS, active duty operational support-RC, Active Guard/Reserve, or full-time National Guard duty for operational support.

(2) RC Soldiers separated for cause or physical disability regardless of the length of time served on active duty.

(3) Recalled retirees on active duty reverting to retired status regardless of the period of active duty service.

(4) Army National Guard (ARNG) of the United States (ARNGUS) and U.S. Army Reserve (USAR) Soldiers mobilized under Title 10, USC, sections 12301, 12302, 12304, 12304a, or 12304b and ARNG Soldiers called into Federal service under Title 10, USC, section 12301 or Title 32, USC, section 502, regardless of length of mobilization, when transitioned from active duty. Soldiers who report to a mobilization station and are found unqualified for active duty within the first 30 days will be excluded from this provision. They will receive a DD Form 220 (Active Duty Report), as specified in paragraph 9-1.

(5) RC Soldiers completing active duty that results in the award of a military occupational specialty, even when the active duty period was less than 90 days (for example, completion of the advanced individual training component of ARNGUS Alternate Training Program or USAR Split Training Program).

b. Paragraph 5-2 (When not to prepare a DD Form 214) states, a DD Form 214 will not be prepared for the following Soldiers: (1) Personnel found disqualified upon reporting for active duty and who do not perform duties in accordance with orders. (2) Personnel whose active duty, active duty for training, full-time training duty, or active duty for special work is terminated by death. (3) Personnel being removed from the

temporary disability retired list (TDRL). (4) Personnel who terminate their RC status to integrate into the Regular Army (RA). (5) Personnel separated or discharged who have been furnished a prior edition of the DD Form 214, unless that form is in need of reissuance for some other reason. (6) Soldiers discharged for immediate reenlistment in the Regular Army. (7) Enlisted personnel who receive temporary appointments to warrant officer or commissioned officer grades. (8) Personnel whose temporary warrant or commissioned officer status is terminated and who remain on active duty to complete an enlistment.

c. Paragraph 8-2 (Rules for reissuing DD Form 214) states:

(1) Once a DD Form 214 has been issued, transition centers do not reissue except for the following reasons: (a) When directed by appellate authority, executive order, or by the Secretary of the Army. (b) When it is determined that the original DD Form 214 cannot be properly corrected by issuance of a DD Form 215.

(2) When a DD Form 214 is administratively reissued, enter that fact and the date of such action on the DD Form 214, block 18, unless the authority directing reissuance specifies otherwise.

(3) Do not issue DD Form 214 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).

//NOTHING FOLLOWS//