

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 October 2024

DOCKET NUMBER: AR20240002484

APPLICANT REQUESTS: in effect, correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show:

- All her active duty service
- Her rank/grade of specialist (SPC)/E-4

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

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 she is requesting that all her time be reinstated to include her rank of E-4. The dates are erroneous. The Army did not give her all her time back nor her rank.
3. The applicant enlisted in the Regular Army on 10 November 1981 for 3 years. She held military occupational specialty 76P, Materiel Control and Supply Specialist.
 - a. On 3 June 1983, Headquarters, National Training Center, Fort Irwin, CA published Orders 110-21 promoting the applicant to specialist four (SP4)/E-4, effective 3 June 1983 and with a date of rank of 10 May 1983. [now called SPC/E-4].
 - b. She reenlisted for 5 years on 18 May 1984. She also extended her enlistment by 6 months on 13 May 1986 and again for 4 months on 28 October 1988.
 - c. On 16 April 1989, the applicant was reported absent without leave (AWOL) and on 8 May 1989, she returned to military control. On 16 May 1989, she was again reported in an AWOL status, and on 17 June 1989, she was dropped from the rolls.

d. On 8 August 1989, court-martial charges were preferred against the applicant for two specifications of AWOL from 16 April to 8 May 1989 and from 16 May to 17 June 1989. The disposition of these charges is unknown.

e. On 29 August 1989, she accepted nonjudicial punishment under Article 15, Uniform Code of Military Justice for being absent without leave from 16 April 1989 to 8 May 1989 and from 16 May 1989 to 15 June 1989. Her punishment consisted of reduction to private (PV2)/E-2. She did not appeal her guilty finding or her punishment.

f. On 30 August 1989, the applicant's immediate commander notified the applicant of his intent to separate her under the provisions of chapter 6-3b of Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel). The specific reason: the applicant's recent period(s) of AWOL coupled with her inability to provide an adequate, dependent care plan for her children, which has resulted in her receiving nonjudicial punishment (for the AWOL periods which spanned a period of 40+ days) and the need for her to request discharge. The commander recommended a general discharge.

g. The applicant acknowledged receipt, consulted with counsel, and was advised of her rights. Subsequently, the commander initiated separation action against her. The intermediate commander recommended approval of the separation action.

h. On 30 August 1989, the separation authority approved the discharge action and ordered the applicant discharged with a general, under honorable conditions characterization of service.

i. The applicant was discharged on 31 August 1989. Her DD Form 214 (Certificate of Release or Discharge from Active Duty) show she was discharged under the provisions of chapter 6-3 of AR 635-200 due to parenthood of a married service member. Her DD Form 214 shows in:

- Blocks 4a (Grade, Rate or Pay) and 4b (Pay Grade) PV2 and E-2
- Block 12c (Net Active Service This Period) 7 years, 7 months, and 28 days
- Block 12h (Effective Date of Pay Grade) 29 August 1989
- Block 24 (Character of Service) Honorable
- Block 29 (Dates of Lost Time This Period) 89-04-16 to 89-05-08; 89-05-16 to 89-06-16 and 89-07-17 to 89-08-03

j. On 21 May 1992, she was issued a DD Form 215 that corrected her DD Form 214 as follows:

- Block 12c (Net Active Service This Period) 7 years, 11 months, and 2 days
- Block 29 (Dates of Lost Time This Period) 89-04-16 to 89-05-04; 89-05-16 to 89-06-15

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.
2. Regarding the applicant's rank and pay grade, the Board found she was reduced to PV2/E-2 as punishment for her periods of AWOL. The Board found the punishment to be appropriate for her misconduct and determined the rank and grade she held at the time of her discharge is not in error or unjust.
3. Regarding the calculation of her net active service, the Board found the DD Form 215 she was issued in 1992 properly documented her correct net active service and the correct periods of lost time. The Board determined there is no further error to correct with regard to net active service.

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.

4/1/2025



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 635-5 (Separation Documents) in effect at the time, prescribed the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active duty service or control of the Active Army. It established standardized policy for preparing and distributing 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. The information entered thereon reflects the conditions as they existed at the time of separation. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214. The specific instructions for-
 - Blocks 4a and 4b, enter active duty grade or rank and pay grade at time of separation.
 - Block 12a, enter the beginning date of the enlistment period or tour of active duty for which a DD Form 214 was not issued
 - Block 12b, enter separation date this period. (Separation date may not be the contractual date if extended for makeup of lost time or soldier has been held over for the convenience of the Government.)
 - Block 12c, enter amount of service this period (subtract 12a from 12b). Lost time under 10 U.S. C, section 972, and non-creditable time after ETS, if any, will be deducted
 - Block 12h, enter the effective date of promotion to pay grade
 - Block 29, for enlisted Soldiers, enter inclusive periods of time lost to be made good under 10 U.S. Code, 972, and periods of non-chargeable time after ETS.

//NOTHING FOLLOWS//