

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 November 2024

DOCKET NUMBER: AR20240002725

APPLICANT REQUESTS:

- issuance of a DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period of 10 January through 28 October 2003
- issuance of a DD Form 215 for the DD Form 214 ending on 29 September 2015 to reflect service for the period 25 February 2008 through 30 September 2008

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 for service ending 31 August 1998
- Headquarters (HQs), 81st Regional Support Command (RSC) Orders Number M-010-0022
- DD Form 214 for service ending 29 September 2015
- Defense Joint Military Pay System – Reserve Component (DJMS-RC) Master Military Pay Account (MMPA) for calendar year 2003
- DJMS-RC MMPA for calendar year 2008

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 not issued a DD Form 214 for his active service in 2003. He was ordered to active duty in support of Operation Enduring Freedom on 10 January 2003 and was released from active duty on 28 October 2003. He requests the issuance of a DD Form 214 for this period of service. Also, his DD Form 214 for service ending 29 September 2015 did not include his active service during the period of 25 February through 30 September 2008. He requests the correction of this DD Form 214 to include this period of service.

3. A review of the applicant's service record shows:

a. With prior enlisted Regular Army service, the applicant enlisted in the U.S. Army Reserve (USAR) on 11 September 2002 and had continued service through reenlistments.

b. DA Form 2-1 shows in item 34 (Record of Assignments) on 10 January 2003 the applicant was ordered to active duty in accordance with HQs, 81st RSC Orders Number M-010-002 dated 2 January 2003. He was released from active duty on 28 October 2003 in accordance with HQs, 3rd Infantry Division (Mechanized) and Fort Stewart Orders Number 274-0003 dated 1 October 2003.

c. On 10 January 2003, Orders Number M-010-0022, issued by HQs, 81st RSC, the applicant was ordered to active duty in support of Operation Enduring Freedom, effective 10 January 2002, for a period of 365-days by the authority of Department of the Army Mobilization Orders Number 262-3 dated 1 January 2003.

d. Headquarters and Headquarters Company, 3220th Garrison Support Unit Memorandum dated 1 March 2003, Subject: Armed Forces Reserve Medal and Mobilization "M" Device shows the applicant was awarded the Armed Forces Reserve Medal with "M" Device based on active duty service in support of a call up or designated contingency operation during the period of 10 January 2003 through 9 January 2004.

e. On 12 March 2003, HQs, 81st RSC, issued orders promoting the applicant to sergeant (SGT)/E-5, effective on with a date of rank of 12 March 2003.

f. On 15 May 2003, the U.S. Army Intelligence Center and Fort Huachuca published orders awarding the applicant primary military occupational specialty (MOS) 96B (Intelligence Analyst) and secondary MOS 11B (Infantryman), effective 19 August 2003. He had attended the Intelligence Analyst course from 22 April to 19 September 2003.

g. DA Form 4980-18 (Army Achievement Medal Certificate) shows the applicant was awarded the Army Achievement Medal for meritorious achievement during the period of 13 January through 31 March 2003 by the authority of 3220th Garrison Support Unit Permanent Orders Number 247-14, dated 4 September 2003 during the Operation Enduring Freedom Mobilization setup.

h. On 25 August 2006, the U.S. Army Human Resources Command published Orders assigning the applicant to the U.S. Army Special Operations Command Support Unit, effective 25 August 2006.

i. DD Form 2413 (Joint Service Commendation Medal Certificate) shows the applicant was awarded the Joint Service Commendation Medal on 15 June 2008 for meritorious service for the Armed Forces of the United States.

j. On 16 September 2008, Permanent Orders Number J-ISO-0205-08, issued by The Joint Staff, HQs, Special Operations Command South for exceptional meritorious achievement during the period of 1 September 2006 through 2 July 2008.

k. On 2 October 2008, Orders Number A-10-819578, issued by AHRC, the applicant was ordered to active duty for Contingency Operation for Active Duty Operational Support (CO-ADOS), effective 1 October 2008.

- On 18 August 2009, Orders Number A-08-922952, issued by AHRC, the applicant was ordered to active duty for CO-ADOS, effective 1 October 2009.
- On 26 August 2011, Orders Number A-08-118417, issued by AHRC, the applicant was ordered to active duty for CO-ADOS, effective 1 October 2011.
- On 15 August 2013, Orders Number A-08-311561, issued by AHRC, the applicant was ordered to active duty for CO-ADOS, effective 30 September 2013

l. On 28 September 2015, Orders Number 271-0001, issued by HQs, U.S. Army Garrison, Fort Stewart/Hunter Army Airfield Army Personnel Processing Center, the applicant was released from active duty, effective 29 September 2015, and assigned to the USAR Control Group (Individual Mobilization Augmentee (IMA)).

m. On 29 September 2015, the applicant was honorably released from active duty and assigned to the USAR Control Group IMA. DD Form 214 shows the applicant completed 6-years, 11-months, and 29-days of active service. It also shows in item 18 (Remarks) the applicant was ordered to active duty in support of Operation Enduring Freedom by:

- CO-ADOS Orders Number A-10-819578 for the period of 1 October 2008 through 30 September 2009
- CO-ADOS Orders Number A-08-922952 for the period of 1 October 2009 through 30 September 2010
- CO-ADOS Orders Number A-09-026100 for the period of 30 September 2010 through 30 September 2011
- CO-ADOS Orders Number A-08-118417 for the period of 30 September 2011 through 29 September 2012
- CO-ADOS Orders Number A-09-215931 for the period of 30 September 2012 through 29 September 2013
- CO-ADOS Orders Number A-08-311561 for the period of 30 September 2013 through 29 September 2014
- CO-ADOS Orders Number A-08-400185 for the period of 30 September 2014 through 29 September 2015

n. On 19 January 2018, Orders Number C-01-800857, issued by AHRC, the applicant was assigned to the USAR Control Group (Reinforcement), effective 19 January 2018.

o. On 30 January 2018, Orders Number C-01-801326, issued by AHRC, the applicant was assigned to a USAR Troop Program Unit, effective 30 January 2018.

p. On 13 January 2023, Orders Number 3881964, issued by AHRC, the applicant was assigned to the USAR Control Group (Retired Reserve), effective 1 September 2023.

q. DA Form 5016 (Retirement Accounting Statement) dated 22 October 2024 shows the applicant obtained during retirement year ending (RYE):

- 10 September 2003 – 16 Inactive Duty Training (IDT) points, 15 membership points, and 244 Active Duty Training (ADT) points for a total of 275 creditable points
- 10 September 2004 – 34 IDT points, 15 membership points, and 48 ADT points for a total of 97 creditable points
- 10 September 2008 – zero IDT points, 15 membership points, and 199 ADT points for a total of 214 creditable points
- 10 September 2009 – zero IDT points, 15 membership points, and 365 ADT points for a total of 365 creditable points

r. On 22 October 2024, Orders Number 9937019, issued by AHRC, the applicant will be placed on the Retired List, effective 8 March 2025.

s. DA Form 5016 (Retirement Accounting Statement) formerly titled; Chronological Statement of Retirement Points, dated 21 November 2024 shows the applicant obtained during retirement year ending (RYE):

- 10 September 2003 – 8 IDT points, 15 membership points, and 244 ADT points for a total of 267 creditable points
- 10 September 2004 – 34 IDT points, 15 membership points, and 48 ADT points for a total of 97 creditable points
- 10 September 2008 – zero IDT points, 15 membership points, and 199 ADT points for a total of 214 creditable points
- 10 September 2009 – zero IDT points, 15 membership points, and 365 ADT points for a total of 365 creditable points

4. The applicant provides:

a. DJMS-RC MMPA for calendar year 2003 shows the applicant was paid active duty pay during the period of 10 January through 28 October 2003.

b. DJMA-RC MMPA for calendar year 2008 shows the applicant was paid active duty pay during the period of 25 February through 30 September 2008.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. The evidence of record shows the applicant was ordered to active duty on 10 January 2003. He was released from active duty on 28 October 2003. The applicant's DA Form 5016 reflects his active service, and his pay records also confirm he was paid active duty pay during the period 10 January through 28 October 2003. There is no DD Form 214 for this period of service in his service record. The regulation that governs the issuance of the DD Form 214 states do not issue DD Form 214 to replace record copies or DD Forms 214 lost by soldiers. If no DD Form 214 is available, issue a statement of service or transcript of military record. Therefore, the Board determined that while re-issuance of a DD Form 214 for this period of service is not appropriate, the issuance of a Transcript of Service is appropriate.

b. The evidence shows the applicant was ordered to active duty on 1 October 2008. He was issued multiple orders between 2009 and 2013. He was released from active duty on 29 September 2015. The applicant's pay records for calendar year 2008 show the applicant was paid active duty pay during the period of 25 February through 30 September 2008. Additionally, his DA Form 5016 reflects this period as active duty. However, there are no orders (reflecting the authority and purpose) ordering him to active duty in February 2008. In the absence of the authority and reason for his active duty from February to September 2008, the Board determined there is insufficient evidence to change the entry date on his DD Form 214. However, issuance of a Transcript of Service is also appropriate for this period.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- Issuing the applicant a Transcripts of Service for his active duty during the period 10 January to 28 October 2003
- Issuing the applicant a Transcripts of Service for his active duty during the period 25 February through 30 September 2008

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to any relief in excess of that described above.2.

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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) 635-8 (Separation Processing and Documents), prescribes the transition processing function of the military personnel system. It provides principles of support, standards of service, policies, tasks, rules, and steps governing required actions in the field to support processing personnel for separation and preparation of separation documents.

a. Paragraph 1-6 (Army Review Boards Agency), the Army Board for Correction of Military Records and Army Discharge Review Board, under the Army Review Boards Agency, are authorized to issue separation documents under the provisions of this regulation.

b. Paragraph 2-4 (U.S. Army Reserve Soldiers on active duty), separating Soldiers with periods of active duty such as Title 10 Active Guard Reserve (AGR) status, active duty for training (ADT), active duty for operational support (ADOS), of 180-days or more, are required to undergo pre-separation processing. Final transition processing is completed by the supporting installation level transition center discussed in chapter 4, section II. The transition center prepares separation documents in accordance with chapter 5 and other separation documents discussed in chapter 9. Additionally, disability separation processing is discussed in chapter 6.

c. Paragraph 4-6 (Publication of Separation Orders), the transition center issues separation orders for demobilization, administrative separation or disability separation actions, publish separation orders upon approval or determination of the separation date.

d. 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, clearcut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. A DD Form 214 will be prepared for Soldiers in the following categories:

- Reserve Component (RC) Soldiers completing 90-days or more days of continuous active duty. For example, such periods may consist of:
 - ADOS

- contingency operations-ADOS
- active duty operational support-RC
- AGR, or full-time National Guard duty for operational support
- RC Soldiers separated for cause or physical disability regardless of the length of time served on active duty
- USAR Soldiers mobilized under 10 USC sections 12301, 12302, 12304, 12304a, or 12304b regardless of length of mobilization, when transitioned from active duty

e. Paragraph 5-3 (Rules for Completing the DD Form 214), this paragraph provides detailed instructions for data required in each block of the DD Form 214. I. Block 12: Record of Service.

(1) Block 12a: (Date Entered Active Duty This Period), data sources are enlistment contract(s), initial order to active duty, active duty order, previously issued DD Forms 214, DA Form 1506 (Statement of Service – For Computation of Length of Service for Pay Purposes), and a complete review of the Soldier's official record. Enter the beginning date of the continuous period of active duty for issuance of this DD Form 214, for which a DD Form 214 was not previously issued.

(2) Block 12b: (Separation Date This Period), list 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) Block 12c: (Net Active Service This Period), amount of service this period, computed by subtracting block 12a from 12b. Lost time under 10 USC 972 and non-creditable time after ETS, if any, are deducted. Lost time will be listed in block 29; other non-creditable time will be identified in block 18.

(4) Block 12d: (Total Prior Active Service), from previously issued DD Form 214, DD Form 220, DA Form 1506, or Retirement Point Annual Statement, enter total amount of prior active military service less lost time, if any. If not applicable, enter "00 00 00."

(5) Block 12e: (Total Prior Inactive Service), from previously issued DD Form 214, Retirement Point Annual Statement, DA Form 1506, or Servicemember's record brief, enter the total amount of prior inactive service, less lost time, if any. Inactive Service should be annotated in block 12e and block 18 as prior inactive service entered in format "0000 00 00."

(6) Block 12f: (Foreign Service), enter the total amount of service performed outside the continental United States (OCONUS) during the period covered in block 12c to include deployments. Additionally, list periods of deployed service in block 18.

(7) Block 12i: (Effective Date of Pay Grade), from the most recent promotion document (or reduction instrument), enter the effective date of promotion or reduction to the current pay grade. Do not confuse with date of rank. Soldiers who have served in ranks corporal, first sergeant, or command sergeant major often have a date of rank different from the effective date of pay grade.

(8) Block 18: (Remarks), Use this block for Headquarters Department of the Army mandatory requirements when a separate block is not available; as a continuation for entries in blocks 9, 11, 13, and 14; or for conditional entries as listed below:

(a) Mandatory entry: "The information contained herein is subject to computer matching within the Department of Defense (DOD) or with any other affected Federal or non-Federal agency for verification purposes and to determine eligibility for, and/or continued compliance with, the requirements of a Federal benefits program."

(b) Mandatory entry: "SOLDIER (HAS) OR (HAS NOT) COMPLETED FIRST FULL TERM OF SERVICE." This information assists the State in determining eligibility for unemployment compensation entitlement.

(c) For RC Soldiers ordered to active duty, participating in or supporting a contingency operation, and deployed to a foreign country, enter the following three statements in 1, 2, and 3, below in succession. For RC Soldiers ordered to active duty, participating in or supporting a contingency operation, and stationed in CONUS enter statements in 1 and 3, below. For active duty Soldiers, list any/all OCONUS deployments completed during the period of the DD Form 214 being created in statement 2, below.

(1) "ORDERED TO ACTIVE DUTY IN SUPPORT OF (OPERATION NAME) PER 10 USC (applicable section)."

(2) "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates)."

(3) "SOLDIER HAS/HAS NOT COMPLETED PERIOD FOR WHICH ORDERED TO ACTIVE DUTY FOR PURPOSE OF POST-SERVICE BENEFITS AND ENTITLEMENTS."

f. Paragraph 7-2 (Distributing copies of DD Form 214), upon the electronic transmission of DD Form 214 data to Defense Manpower Data Center (DMDC), Military Services will no longer be required to produce and distribute paper copies 3, 5, 6, 7, and

8 of DD Form 214. DMDC is the official distribution source of the Military Services authoritative and certified information for all periods of active duty that are completed on or after 1 January 2015. DMDC will share a Servicemember's electronic service and separation data with the VA, the Department of Labor, and the State or territory Department of Veterans Affairs the Servicemember designates in Block 20.

g. Paragraph 8-2 (Rules for reissuing DD Form 214), once a DD Form 214 has been issued, transition centers do not reissue except for the following reasons:

- When directed by appellate authority, executive order, or by the Secretary of the Army
- When it is determined that the original DD Form 214 cannot be properly corrected by issuance of a DD Form 215
- Transition center and the Army Board for Correction of Military Records may reissue DD Form 214 when circumstances listed in paragraph 8-4 apply

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. 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//