

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 November 2024

DOCKET NUMBER: AR20240002863

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show in item 12a (Date Entered Active Duty (AD) this Period) his date entered active service as 750722 rather than 790413.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending 31 July 1992
- Personnel Qualification 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 he is missing 4-years of service credit. When he separated from the Army he did not thoroughly review his DD Form 214.
3. On 22 July 1975, the applicant enlisted in the Regular Army for 4 years. He was honorably discharged for immediate reenlistment on 12 April 1979.
4. He reenlisted on 13 April 1979, 16 February 1982, 6 February 1986, and again on 19 September 1989.
5. The applicant was honorably discharged and transferred to the control of the U.S. Army Reserve (USAR) Control Group on 31 July 1992, under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), paragraph 16-8, for early separation due to reduction in force, strength limitations, or budgetary constraints. His DD Form 214 shows in item 12a, his date entered AD as 790413. The applicant was not available to endorse his DD Form 214, by signature.

6. The applicant was released from the USAR Control Group and assigned to the Retired Reserve, on 13 March 1997.

7. The applicant petitioned the ABCMR requesting reinstatement of his VSI payments due to an error made by the USAR. On 31 October 2002, the Board voted to deny relief and determined the applicant had failed to submit evidence that his record was in error or unjust.

8. Prior to October 1979, Army Regulation 635-5 (Separation Documents) provided that a Soldier would be issued a DD Form 214 each time the Soldier was discharged for immediate reenlistment. The applicant would have been issued a DD Form 214 for the period 22 July 1975 through 12 April 1979, but this DD Form 214 is not present in the available service records.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board found that relief was not warranted. The applicant’s contentions, the military record, and regulatory guidance were carefully considered. Based upon the period of service that the applicant starting his military service (prior to 1979, when DD Form 214s were generated for each period of service) and the current entry in block 12d, which properly annotates his prior service, the Board concluded there was insufficient evidence of an error or injustice warranting a correction to the applicant’s DD Form 214.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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.

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 635-5 (Separation Documents) prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. The version in effect at the time established standardized policy for preparation of the DD Form 214. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. It states the purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form be complete and accurate, reflective of the conditions as they existed at the time of separation. For item 12a, enter the date of the first day of the last immediate reenlistment for which a DD Form 214 was not issued.

//NOTHING FOLLOWS//