

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 December 2024

DOCKET NUMBER: AR20240003074

APPLICANT REQUESTS: correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending on 27 June 2016, to show in item 28 (Narrative Reason for Separation) that she completed her service commitment.

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

- DD Form 149 (Application for Correction of Military Record)
- Department of Veterans Affairs (VA) Benefits Letter, 11 March 2024

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:

a. She requests an update to her DD Form 214 to accurately reflect the circumstances of her military discharge. Currently her DD Form 214 shows that time in service was not fulfilled but she was medically discharged in 2015 due to a condition that was not initially considered service connected. The error or injustice in her military records stems from the initial classification of her medical condition as nonservice-connected at the time of discharge. This misclassification, compounded by the fact that she was unaware of the condition until 2015, resulted in an inaccurate portrayal of her ability to fulfill her service commitment. The discovery of the service-connected nature of the disability highlights the oversight, making it imperative to correct the records to justly reflect the circumstances surrounding her discharge and ensure fair treatment in terms of benefits and educational opportunities.

b. Her application should be considered because she recently discovered that she could get her DD Form 214 updated to reflect a service-connected disability that was not recognized when she was discharged. She did not know that she could update her

DD Form 214 until she started pursuing VA educational benefits/GI Bill. This highlights the need for more understanding and flexibility. She is now taking action to fix the oversight and make sure that her military records accurately reflect her service. Giving her the consideration she deserves will correct the mistake and allow her to access the benefits and opportunities that are appropriate for her service.

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

a. DD Form 2807-2 (Medical Prescreen of Medical History Report) dated 28 October 2013 was completed by the applicant and used to obtain medical data for a determination of medical fitness for enlistment, induction, and appointment of individuals to the Armed Forces.

b. DD Form 2807-1 (Report of Medical History) and DD Form 2808 (Report of Medical Examination) both dated 5 November 2013 and prepared for enlistment into the Army show the applicant was qualified for service.

c. The applicant enlisted in the Regular Army on 10 February 2014 for a period of 3 years and 23 weeks. Her Enlisted Record brief shows after completion of required training she was awarded military occupational specialty 92F (Petroleum Supply Specialist).

d. Orders Number 126-0130 dated 5 May 2016 issued by Headquarters, III Corps and Fort Hood, indicate her separation date was 27 June 2016 and her separation was not based on an injury or disease received in the line of duty as a direct result of armed conflict or caused by an instrumentality of war and incurred in the line of duty during a period of war as defined by law. Her disability did not result from a combat related injury.

e. On 27 June 2016, she was honorably discharged from active duty under the provisions of Army Regulation (AR) 635-40 (Physical Evaluation for Retention, Retirement, or Separation), chapter 4. DD Form 214 shows she completed 2 years, 4 months, and 18 days of net active service. It also shows in item:

- 18 (Remarks) member has not completed first full term of service
- 28 (Narrative Reason for Separation) – Disability, Existed Prior to Service, Physical Evaluation Board (PEB) (Enhanced)

f. The applicant's record is void of a DA Form 199 (PEB Proceedings).

4. The applicant provides a VA Benefits Letter dated 11 March 2024, which shows she has one or more service-connected disabilities and a combined service-connected disability rating of 100 percent.




BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's request and available military records, the Board determined there is insufficient evidence to support correction of the applicant's narrative reason. The Board found the applicant enlisted in the Regular Army for a period of 3 years and 23 weeks. Evidence shows after completion of required training she was awarded military occupational specialty 92F (Petroleum Supply Specialist).

2. The Board determined the applicant completed 2 years, 4 months, and 18 days of net active service and did not complete her first term of service. The Board noted, at the time of separation, documentation supports the narrative reason for separation properly identified on the DD Form 214. As such, the Board determined changes to the applicant's narrative reason for separation are not warranted. The Army has an interest in maintaining the integrity of its records for historical purposes. The information in those records must reflect the conditions and circumstances that existed at the time the records were created. In the absence of evidence that shows a material error or injustice, there is a reluctance to recommend that those records be changed. Therefore, the Board denied relief.

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.

[REDACTED]

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. AR 635-8 (Separation Processing and Documents), 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.

a. Block 18; 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. The following guidance will help determine which entry to use. To determine if an enlisted Soldier has completed the first full term of enlistment, refer to the enlistment contract and any extensions to those initial enlistment documents and compare the term of enlistment to the net service in block 12c of the DD Form 214. If Soldier has completed or exceeded the initial enlistment, enter "HAS." If block 12c of the DD Form 214 is less than the Soldier's commitment, enter "HAS NOT." Routinely, a Regular Army Soldier should not be considered to have completed the first full term of service if separation occurs before the end of the initial contracted period of service.

b. Block 28; Narrative Reason for Separation. This information is based on regulatory or other authority and can be checked against the cross reference in AR 635-5-1.

//NOTHING FOLLOWS//