

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 January 2025

DOCKET NUMBER: AR20240003105

APPLICANT REQUESTS: correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending on 21 December 2020 to reflect continuous service through 25 April 2021. Publish orders for the period 22 December 2020 through 25 January 2021.

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

- DD Form 149 (Application for Correction of Military Record)
- State of North Carolina (NC) Office of the Adjutant General Orders Number 29-232-0030
- Orders Number 29-232-0030 (A1)
- Orders Number 29-232-0030 (A2)
- Orders Number 29-232-0030 (A3)
- National Guard Bureau (NGB) Memorandum, Subject: Line of Duty Determination (A-, L- (the applicant)), Sergeant (SGT)
- Orders Number 29-232-0030 (A4)
- Headquarters (HQs), U. S. Army Medical Command (MEDCOM) Orders Number MM-0265-00007
- Orders Number 29-232-0030 (A5)
- HQs, U.S. Army MEDCOM Orders Number MM-0265-00007A01
- DD Form 214 service ending 21 December 2020
- NGB Army National Guard (ARNG) Orders Number NG-1026-00018
- NGB ARNG Orders Number NG-1026-00018A01
- NC ARNG Orders Number 4572467
- State of NC Department of Public Safety Joint Force HQs (JFH) NC National Guard (NG) Memorandum, Subject: Request to Expedite Army Board for Corrections of Military Records (ABCMR) in the Restoration of Medical Benefits, Pay and Allowances
- Department of the Army Mobilization Processing System (DAMPS) orders audit

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 that the DD Form 214 for the period ending on 21 December 2020 is incorrect because she remained on active duty until 25 April 2021. She contests that she did not receive pay and allowances nor accrued leave from 22 December 2020 through 25 January 2021 while she participated in the Wounded Warrior Program. Had her orders been correctly issued her DD Form 214 would properly reflect her continuous service on active duty.

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

a. On 17 October 2013, the applicant enlisted in the ARNG and had continuous service through extensions or reenlistments.

b. On 9 July 2018, Orders Number 29-190-0008, issued by the State of NC Office of the Adjutant General, the applicant was ordered to active duty in support of Operation Enduring Freedom Guantanamo Bay, effective 11 August 2018, for a period of 400-days. The original orders were amended to change the period of service from 400-days to 321-days.

c. On 27 June 2019, the applicant was honorably released from active duty. DD Form 214 shows the applicant completed 10-months and 17-days of active service.

d. On 20 August 2019, Orders Number 29-232-0030, issued by the State of NC Office of the Adjutant General, the applicant was ordered to active duty in support of Operation Enduring Freedom (Spartan Shield), effective 19 August 2019, for a period of 400-days.

e. On 12 March 2020, Orders Number 29-232-0030 (A2), issued by the State of NC Office of the Adjutant General, amended the original orders to change the period of service from 400-days to 430-days.

f. On 5 June 2020, Orders Number 29-232-0030 (A3), issued by the State of NC Office of the Adjutant General, amended the original orders to change the period of service from 430-days to 476-days for an end date of 7 December 2020.

g. On 10 September 2020, Orders Number 254-0601, issued by HQs, U.S. Army Garrison, Fort Bliss, the applicant was released from active duty for contingency Operation Enduring Freed (Spartan Shield), effective 9 November 2020.

h. On 21 September 2020, Orders Number MM-0265-00007, issued by HQs, U.S. Army MEDCOM, the applicant was retained on active duty to participate in Reserve

component warrior in transition medical retention processing program for completion of medical evaluation (initial) with duty at Goldsboro, NC, under the authority of Title 10 United States Code (USC), section 12301(h), effective 23 September 2020 for a period of 60-days with an end date of 21 November 2020. The additional instructions states that a release from active duty is required upon completion of medical care and Physical Disability Evaluation System processing. The servicing installation transition center will prepare the release orders and DD Form 214 upon the completion of active duty. The service member is retained on active duty in Medical Retention Processing (MRP) status to complete the Disability Evaluation System process.

i. On 25 September 2020, HQs, U.S. Army Garrison, Fort Bliss, Memorandum, Subject: Voiding DD Form 214 for A-, L- (the applicant), SGT, stated the DD Form 214 issued for the applicant be voided as she did not demobilize and went through the Soldier Recovery Unit (SRU). The original DD Form 214 was to be destroyed by burning or shredding.

j. On 25 September 2020, Orders Number 269-0666, issued by HQs, U.S. Army Garrison, Fort Bliss, revoked Orders Number 254-0601 which was issued by the same HQs.

k. On 5 October 2020, Orders Number 29-232-0030 (A5), issued by the State of NC Office of the Adjutant General, amended the original orders to change the period of service from 476-days to 401-days for an end date of 23 September 2020.

l. On 9 November 2020, the applicant was honorably released from active duty. DD Form 214 shows the applicant completed 1-year, 2-months, and 21-days of active service. The DD Form 214 was issued on 10 September 2020.

m. On 24 November 2020, Orders Number MM-0265-00007A01, issued by HQs, U.S. Army MEDCOM amended the original orders to change the period of service from 60-days to 90-days and the end date from 21 November 2020 to 21 December 2020.

n. On 21 December 2020, the applicant was honorably released from active duty. DD Form 214 shows the applicant completed 1-year, 4-months, and 3-days of active service. It also shows the applicant was ordered to active duty in support of Operation Enduring Freedom (Spartan Shield) in accordance with Title 10 USC, section 12302 during the period of 19 August 2019 through 22 September 2020 and under the authority of Title 10 USC, section 12301(h) for Reserve component warriors in transition medical retention processing program during the period of 23 September through 21 October 2020.

o. On 22 January 2021, HQs, U.S. Army Garrison, Fort Bliss, Memorandum, Subject: Voiding DD Form 214 for A-, L- (the applicant), SGT, stated the DD Form 214

issued for the applicant be voided as she did not demobilize and went through the SRU. The original DD Form 214 was to be destroyed by burning or shredding.

p. On 22 January 2021, Orders Number 022-0500, issued by HQs, U.S. Army Garrison, Fort Bliss, revoked Orders Number 254-0601 which was issued by the same HQs.

q. On 26 January 2021, Orders Number NG-1026-00018, issued by the NGB ARNG, the applicant was ordered to active duty under the provision of Title 10 USC, section 12301(h) to participate in Reserve component managed care mobilization for managed medical care, effective 26 January 2021, with the end date of 11 March 2021. The additional instructions stated the applicant was on Reserve Component Managed Care Mobilization active duty orders to complete medical care and treatment at the consent of the State Governor. Her release from active duty is required upon completion of medical care. The State military personnel management office will prepare release orders and the DD Form 214 upon completion of active duty. The unexecuted portion of the orders would be rescinded by the order publishing authority.

r. On 16 March 2021, Orders Number NG-1026-00018A01, issued by the NGB ARNG, amended the original order to change the period of service from 45-days to 90-days and the end date of the orders from 11 March 2021 to 25 April 2021.

s. NGB Form 23A (ARNG Current Annual Statement) dated 9 April 2021 shows during the period of:

- 19 August 2019 through 16 October 2019, the applicant obtained 59 active duty points
- 17 October 2019 through 16 October 2020, the applicant obtained 366 active duty points
- 17 October 2020 through date is open, the applicant obtained 175 active duty points

These active duty points were for ARNG mobilized service. The ARNG Retirement Points Statement Supplemental Detailed Report shows:

#### Active Duty/Active Duty Training/Active Duty For Special Work

Begin Date (yyyy/mm/dd)	End Date (yyyy/mm/dd)	Number Of Points	Type
2019/10/17	2019/10/31	15	21 (Active Duty tour 30-days or more)
2019/11/01	2019/11/15	15	21

2019/11/16	2019/11/30	15	21
2019/12/01	2019/12/15	15	21
2019/12/16	2019/12/31	16	21
2020/01/01	2020/01/15	15	21
2020/01/16	2020/01/31	16	21
2020/02/01	2020/02/15	15	21
2020/02/16	2020/02/29	14	21
2020/03/01	2020/03/15	15	21
2020/03/16	2020/03/31	16	21
2020/04/01	2020/04/15	15	21
2020/04/16	2020/04/30	15	21
2020/05/01	2020/05/15	15	21
2020/05/16	2020/05/31	16	21
2020/06/01	2020/06/15	15	21
2020/06/16	2020/06/30	15	21
2020/07/01	2020/07/15	15	21
2020/07/16	2020/07/31	16	21
2020/08/01	2020/08/15	15	21
2020/08/16	2020/08/31	16	21
2020/09/01	2020/09/15	15	21
2020/09/16	2020/09/22	07	21
2020/09/23	2020/09/30	08	21
2020/10/01	2020/10/15	15	23 (Active Duty points (Special tour)
2020/10/16	2019/10/17	1	23

t. NGB Form 23A dated 17 October 2021 shows during the period of:

- 19 August 2019 through 16 October 2019, the applicant obtained 59 active duty points
- 17 October 2019 through 16 October 2020, the applicant obtained 366 active duty points
- 17 October 2020 through 25 April 2021, the applicant obtained 191 active duty points

These active duty points were for ARNG mobilized service. The ARNG Retirement Points Statement Supplemental Detailed Report shows:

Active Duty/Active Duty Training/Active Duty For Special Work

Begin Date	End Date	Number Of	Type
(yyyy/mm/dd)	(yyyy/mm/dd)	Points	

2020/10/17	2020/10/31	15	23
2020/11/01	2020/11/15	15	23
2020/11/16	2020/12/15	06	23
2020/11/22	2020/12/21	24	23
2020/12/16	2021/01/31	06	23
2021/01/26	2021/01/31	06	23
2021/02/01	2021/02/15	15	23
2021/02/16	2021/02/28	13	23
2021/03/01	2021/03/11	11	23
2021/03/12	2021/03/15	04	23
2021/03/16	2021/03/31	16	23
2021/04/01	2021/04/25	15	23
2021/04/16	2021/04/25	10	23
2021/06/05	2021/06/19	15	22 (Active Duty tour less than 30-days)
2021/07/01	2021/07/15	15	21
2021/07/16	2021/07/30	15	21

u. On 5 February 2023, the applicant was transferred to the ARNG Medical Detachment due to pregnancy. NGB Form 22 (Report of Separation and Record of Service) shows the applicant completed 9-years, 3-months, and 19-days of service.

v. On 26 April 2023, Orders Number 4572467, issued by the NCARNG, the applicant was voluntarily separated from the ARNG, effective 5 February 2023.

#### 4. The applicant provides:

a. The applicant provided numerous orders in which she was ordered or retained on active duty for the period in question which have been discussed in paragraph three.

b. NGB Memorandum, Subject: Line of Duty Determination) A-,L- (the applicant) SGT, dated 13 July 2020, stated the applicant's line of duty was approved for her left hip strain and left knee patellofemoral disorder which occurred during Operation Enduring Freedom (Spartan Shield).

c. DD Form 214 for service ending on 21 December 2020 which has been discussed in paragraph three.

d. State of NC Department of Public Safety JFH NC NG, Memorandum, Subject: Request to Expedite ABCMR in the Restoration of Medical Benefits, Pay and Allowances, dated 26 February 2024, stated the NC Adjutant General requested the to expedite the restoration of medical benefits, pay and allowances for service members of the NCARNG who were mobilized with the 30 Armored Brigade Combat Team in support of Operation Enduring Freedom (Spartan Shield). The several service members

were released from active duty experienced a break in service in their active duty orders which resulted in a lapse in medical care and the suspension of pay and allowances. This created severe hardship and duress to the service members and their families due to incurring out of pocket expenses for medical care and the loss of pay and benefits. In some cases, medical care was not provided. The NC NG attempted to rectify the issue for several years but had yet to receive any determination from the NGB to their requests.

e. DAMPS audit shows the applicant had a gap in the active duty orders for the period of 22 December 2020 through 25 January 2021 a period of 37-days.

5. The applicant referenced ABCMR Docket Number AR20220011892, where the applicant was granted relief in her request for the correction of her DD Form 214 to reflect continuous service for the period she was retained on active duty from medical care. The report of proceedings and supporting documents are available for the Boards review.

#### 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 facts outlined in the endorsement from the NC Adjutant General of the applicant's request, the Board concluded there was sufficient evidence of an error or injustice warranting a change to the applicant's record to show continuous service through 25 April 2021, by publishing orders for the period 22 December 2020 through 25 January 2021.

#### BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

■	■	■	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 amending the applicant's military by:

- changing orders MM-0265-00007A01, dated 24 November 2020, to show an end date of 25 April 2021
- changing the applicant's DD Form 214, for the period ending 21 December 2020 by:
  - changing 12b to read, "2021 04 25"
  - changing 12c to read, "0001 08 07"
- voiding orders NG-1026-00018, dated 26 January 2021
- voiding orders NG-1026-00018A01, dated 16 March 2021

[REDACTED]

[REDACTED] [REDACTED]

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[REDACTED]

[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. Army Regulation (AR) 635-8 (Separation Processing and Documents) provides that 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. When separation is ordered, the separation approval documents must be present for transition processing to occur. Source documents, as listed below, must be present in a Soldier's record in order to complete the DD Form 214. Source documents will consist of:



- Service Member's Record Brief
- Separation approval documents
- Separation order
- Any other document authorized for filing in the Army Military Human Resources Record

DD Form 214, Item 12b (Separation Date This Period) will contain 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. AR 600-8-105 (Military Orders) provides that orders are published to order individuals onto active duty or change the status of military personnel on active duty. Only the organization that published the original order may amend, rescind, or revoke the order. When there is no evidence of fraud or obvious error and the Soldier received actual or constructive delivery, orders discharging a Soldier from the service will not be revoked after the effective date of discharge unless the revocation is a written confirmation of verbal orders issued before the effective date of discharge. An order may be corrected by the organization that published the original order to show the true state of affairs existing at the time the original order was published. Orders may only be changed to reflect facts that existed when the original order was published.

4. Title 10 United States Code, section 12301 - Reserve components generally, (h)  
(1) When authorized by the Secretary of Defense, the Secretary of a military department may, with the consent of the member, order a member of a reserve component to active duty:

- (A) to receive authorized medical care;
- (B) to be medically evaluated for disability or other purposes; or
- (C) to complete a required Department of Defense health care study, which may include an associated medical evaluation of the member.

(2) A member ordered to active duty under this subsection may, with the member's consent, be retained on active duty, if the Secretary concerned considers it appropriate, for medical treatment for a condition associated with the study or evaluation, if that treatment of the member is otherwise authorized by law.

(3) A member of the Army National Guard of the United States or the Air National Guard of the United States may be ordered to active duty under this subsection only with the consent of the Governor or other appropriate authority of the State concerned.

//NOTHING FOLLOWS//