ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ████████████████

BOARD DATE: 15 January 2025

DOCKET NUMBER: AR20240003110

APPLICANT REQUESTS: correction of his Time in Service (TIS) for retired pay to include his inactive service time and the amendment of his retirement orders to reflect his correct time in service.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty) for service ending 31 March 2017
- DD Form 215 (Correction to DD Form 214, Certificate of Release or Discharge from Active Duty) for service ending 31 March 2017
- Response from the Army Review Boards Agency mailbox

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 requests the correction of his TIS for retired pay to include his inactive service time which was corrected on his DD Form 214 by the publication of a DD Form 215. His retirement orders, Installation Management Command – Europe Vicenza Transition Center Orders Number 341-0004 need to be amended to reflect the additional service time annotated on the DD Form 215.

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

   a. On 24 September 1984, at the University of Alabama, the applicant enlisted in the Air Force Reserve (Obligated Reserve Section (ORS)).

   b. On 4 June 1986, Reserve Orders Number CC-1521, issued by Headquarters (HQs), Air Reserve Personnel Center, the applicant was honorably discharged from the

Air Force Reserve due to disenrollment from the Air Force Reserve Officer's Training Corps (AFROTC), effective 23 May 1986.

   c. On 7 October 1987, the applicant enlisted in the Regular Army (RA). DD Form 1966 (Record of Military Processing – Armed Forces of the United States) item 28 shows the applicant had prior regular or reserve service of the Armed Forces. Item 39 (Remarks) shows his service was in the AFROTC during the period of September 1982 through May 1986.

   d. On 3 November 1995, the applicant reenlisted in the RA.

   e. On 2 November 1997, the applicant was honorably discharged from active duty. DD Form 214 shows the applicant completed 10-years and 26-days of active service. It also shows in item 12e (Total Prior Inactive Service) he had 0-years, 0-months and 0-days.

   f. On 13 May 1998, the applicant enlisted in the RA. DD form 1966 in item 22 (Education) the applicant attended the Auburn University during the period of September 1982 through June 1986; however, he did not graduate. In item 24 (Previous Military Service or Employment with the U. S. Government) shows the applicant had served in the regular or reserve Armed Forces.

   g. On 13 April 2009, the applicant was honorably discharged from active duty to accept a commission or warrant service. DD Form 214 shows the applicant completed 10-years, 11-months, and 1-day of active service. It also shows in item 12e he had 0-years, 0-months and 0-days.

   h. On 14 April 2009, the applicant executed his oath of office and was appointed as a Reserve warrant officer in the rank of warrant officer one.

   i. On 14 April 2009, Orders Number 104-392-A-557, issued by HQs, U.S. Army Garrison, Fort Rucker, the applicant was ordered to active duty for a 6-year active duty commitment, effective 14 April 2009.

   j. On 6 December 2016, Orders Number 341-0003, issued by the Installation Management Command – Europe Vicenza Transition Center, the applicant was assigned to the Italy Transition Center, effective 31 March 2017, for separation from active duty for retirement.

   k. On 6 December 2016, Orders Number 341-0004, issued by the Installation Management Command – Europe Vicenza Transition Center, the applicant was placed on the retired list, effective 1 April 2017, with mandatory retirement with 28-years,

11-months, and 14-days of service with the same amount of service for basic pay. It also shows the applicant initially entered the military on 27 August 1987.

l. On 31 March 2017, the applicant was honorably retired from active duty for non-selection for promotion and assigned to the U.S. Army Reserve Control Group (Retired Reserve). DD Form 214 shows the applicant completed 7-years, 11-months, and 17-days of active service with 20-years, 11-months, and 27-days of prior active service for a total of 28-years, 11-months and 14-days of active Federal service. It also shows in time 12e he had 0-years, 0-months, and 0-days.

m. On 8 December 2023, in ABCMR Docket Number AR20230003220 corrected the applicant's DD Form 214 to show he had 1-year and 8-months of prior inactive service and issued him a DD Form 215 which reflected the correction in item 12e. In the supporting document DD Form 785 (Record of Disenrollment from Officer Candidate-Type Training) shows the applicant was disenrolled from the AFROTC at Auburn University 4-year program for failure to maintain retention standards effective 23 May 1986.

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 during a previous ACBMR Board the applicant's records were corrected to show he had 1 year and 8 months of prior inactive service. Evidence shows the applicant was issued a DD Form 215, reflecting the correction to item 12e..

2. Furthermore, the Board noted the applicant was disenrolled from the Air Force ROTC while attending Auburn University due to the leadership stating he failed to maintain the required retention standards at the time. The Board agreed, the applicant's contentions have already been corrected and the applicant was provided a DD Form 215 with his requested corrections. Based on the preponderance of evidence and no action need by this Board, relief was denied.

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.

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. Title 10 USC, section 2106 (Advanced training; commission on completion), (c) In computing length of service for any purpose, an officer appointed under this section may not be credited with enlisted service for the period covered by his advanced training, other than any period of enlisted service performed on or after 1 August 1979, as a member of the Selected Reserve.

3. Department of Defense Financial Management Regulation 7000.14-R, Volume 7a, chapter 1, paragraph 010201 (Service which is Creditable), service as a member of the Army, Navy, or Air Force Reserve Officers' Training Corps (ROTC), provided the member has concurrent Selected Reserve (drilling status) for duty performed on or after 1 August 1979.

//NOTHING FOLLOWS//