

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 January 2025

DOCKET NUMBER: AR20240003111

APPLICANT REQUESTS:

- Active duty "bridging" orders published for the period 18 October 2020 through 18 January 2021
- Correction of DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending on 17 October 2020 to show continuous service

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

- DD Form 149 (Application for Correction of Military Record)
- Orders Number 29-171-0108
- Orders Number 29-171-0108 (A1)
- Orders Number 29-171-0108 (A2)
- Orders Number 29-171-0108 (A3)
- Orders Number 29-171-0108 (A4)
- Orders Number MM-0227-00003
- Orders Number NG-1019-00002
- Orders Number NG-1019-00002A01
- DA Form 2173 (Statement of Medical Examination and Duty Status)
- Memorandum, Subject: Line of Duty (LOD) Determination
- DD Form 214, ending on 17 October 2020
- Missing time document
- National Guard Bureau (NGB) Form 23A (Army National Guard Current Annual Statement)
- Memorandum, Subject: Request to Expedite Army Board for Correction of Military Records in Restoration of Medical Benefits, Pay and Allowances
- Orders Number 0007603427.00

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 is requesting an end date extension of Reserve Component Managed Care – Mobilization (RCMC-M) orders gap relief. The gap represents breaks in medical coverage or coverage under Transitional Assistance Management Program 180 which never should have been triggered to start up less a gap in continuity orders. Reference ABCMR Docket Number AR20220011892, dated 9 May 2023. He was not paid, did not accrue leave or have accurately sponsored benefits from 18 October 2020 through 18 January 2021 due to the order gap between Medical Retention Processing (MRP) and RCMC-M orders as a wounded warrior. His last release from active duty DD Form 214 from OSS will need a DD Form 215 (Correction to DD Form 214) if relief is granted. His is missing 93 days of what should have been continuous Title 10 Active Duty (AD), 12301(h) recovery status in accordance with Department of Defense Instruction (DoDI) 1241.01 ((Reserve Component (RC) Line of Duty Determination for Medical and Dental Treatments and Incapacitation Pay Entitlements). He recently separated from service on 23 February 2024. If corrected he would have a continuous service DD Form 214 with end date 16 July 2021 fixed via a DD Form 215.

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

a. On 23 February 2012, the applicant enlisted in the ARNG.

b. On 20 June 2019, Orders Number 29-171-0108 issued by the State of NC, Office of the Adjutant General ordered the applicant to active duty in support of Operation Enduring Freedom (Spartan Shield) for a period of 400 days, effective 12 August 2019, under the authority of Title 10, USC, section 12302.

c. On 15 September 2020, the applicant was honorably released from active duty and returned to his ARNG unit. He completed 1 year, 1 month, and 4 days of net active service.

d. On 14 August 2020, Orders Number MM-0227-00003 issued by Headquarters, U.S. Army Medical Command (MEDCOM) retained the applicant on active duty to participate in MRP for completion of medical evaluation, effective 19 August 2020 for a period of 60 days ending on 17 October 2020.

e. On 28 September 2020, by memorandum, the applicant's DD Form 214, ending on 17 October 2020, was voided due to him not demobilizing but going through the Soldier Readiness Unit.

f. On 17 October 2020, the applicant was honorably released from active duty and returned to his ARNG unit. He completed 1 year, 2 months, and 6 days of net active

service. Item 18 (Remarks) shows "retained under the provisions of Title 10, USC, section 12301 (H), Reserve Component Warriors in Transition MRP for completion of medical evaluation.

g. On 19 January 2021, Orders Number NG-1019-00002 issued by the NGB ordered the applicant to active duty, effective 19 January 2021, for a period of 120 days to participate in RCMC-M for managed medical care, ending on 18 May 2021.

h. On 25 May 2021, Orders Number NG-1019-00002A01 issued by the NGB amended Orders Number NG-1019-00002 to change the applicant's end date from 18 May 2021 to 16 July 2021, 179 days vice 120 days.

i. On 19 March 2024, Orders Number 0007603427.00 issued by the NCARNG the applicant was voluntarily discharge from the ARNG, effective 22 February 2024.

4. The applicant provides:

a. DA Form 2173 showing the applicant injury (Other specific joint derangements of the left shoulder) occurred on 7 July 2020 in Kuwait, and the injury was considered LOD.

b. Memorandum, Subject: LOD Determination, dated 21 September 2020, which shows the applicant's LOD for Left Shoulder Joint Derangements) that occurred during Operation Enduring Freedom (Spartan Shield) was approved as LOD.

c. Missing time document showing the applicant had missed time from 17 October 2020 through 18 January 2021, totaling 93 days.

d. NGB form 23A which shows for the retirement year ending 17 October 2020 he was an ARNG mobilized member. And for retirement year beginning on 19 January 2021 and ending on 22 February 2021 he was again an ARNG mobilized member.

e. NCARNG Memorandum - Subject: Request to Expedite ABCMR in the Restoration of Medical Benefits, Pay and Allowances, dated 26 February 2024, wherein, the NCARNG AG states, in part:

(1) Request to expedite ABCMR action in the restoration of medical benefits, pay and allowances for Service Members of the NCARNG who mobilized with the 30th Armored Brigade Combat Team in support of Operation Enduring Freedom (Spartan Shield).

(2) Upon Release from Active Duty, several service members experienced a break in service in their active-duty orders, which resulted in a lapse of medical care

and suspension of pay and allowances. This created severe hardship and duress to the service members and their families, due to incurring out of pocket costs for medical care, coupled with loss of pay and benefits. In some cases, medical care was not provided at all. Regardless of the mechanism of failure, it is inappropriate for the service members and their families to bear the brunt of inadequate planning and administrative shortfalls from either human or human resources systems errors.

5. On 15 January 2025, in the processing of this case an advisory opinion was obtained from the NG, Chief Special Actions Branch, who recommended approval and stated:

a. The applicant was mobilized with the 30th Armored Combat Brigade Team in support of Operation Enduring Freedom on 12 August 2019. He sustained an in LOD injury while deployed. He was placed on 12301 (H) orders due to the LOD on 19 August 2020 thru 17 October 2020 and later released from active duty according to DD Form 214 in his military records. He was later placed on 12301 (H) order for the period of 19 January 2021 thru 16 July 2021 for management of medical care. He is requesting bridging orders from 18 October 2020 thru 18 January 2021 so that he can continue to receive medical care for his in line of duty injury.

b. The NCARNG states that in accordance with DoDI 5124.05 (unknown DoDI) and Title 10 USC, section 12301(H) the applicant should have been retained on medical orders until he was return to duty eligible or completed the Integrated Disability Evaluation System process. The NCARNG cites that Impacted Soldiers that were injured in the LOD while deployed in support of Operation Enduring Freedom, to receive care for those injuries they were retained on active duty under the provisions of Title 10 USC, section 12301 (h). Due to administrative shortfalls, processing delays, gaps in regulatory guidance and processing, impacted Soldiers were not retained on such duty until reaching the medical decision point or returned to duty. Packet approval through the NGB was cumbersome.

c. It is the recommendation of this office that the applicant's request be approved. He should be on continuous Title 10 orders from 12 August 2019 to 18 January 2021 In accordance with Title 10, USC, section 12301(H). His NGB Form 23A, and DD Form 214 should be updated.

6. On 29 January 2025, the applicant was provided with a copy of the advisory opinion to provide a comment or rebuttal. He did not respond.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, and the evidence found within the military record, the Board found that relief was/was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the facts and recommendations outlined in the NGB advisory opinion, the Board concluded there was sufficient evidence to grant the requested relief.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:XXX	:XXX	:XXX	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

- voiding the applicant's DD Form 214 for the period ending 15 September 2020
- amending Orders Number MM-0227-00003, Headquarters U.S. Army Medical Command, dated 19 August 2020, to show 19 August 2020 through 18 January 2021
- entitlement to back pay and allowances as a result of this correction
- amendment of his DD Form 214, for the period ending 17 October 2020 to show in:
  - item 12b: 18 January 2021
  - item 12c: 0 years, 5 month, and 0 days

//SIGNED//

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, 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) 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 REFRAD, 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 USC, 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:

- to receive authorized medical care;
- to be medically evaluated for disability or other purposes; or  
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//