

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 November 2024

DOCKET NUMBER: AR20240003243

APPLICANT REQUESTS: in effect,

- a. active-duty orders published for the period 2 December 2020 through 31 January 2021.
- b. correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 1 December 2020 or for the period ending 7 December 2021, to reflect continuous active-duty service.

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

- DD Form 149 (Application for Correction of Military Record)
- Orders: 29-177-1483, 26 June 2019
- Orders: 29-177-1483 (A1), 3 August 2019
- Orders: 29-177-1483 (A2), 12 March 2020
- DA Form 2173 (Statement of Medical Examination and Duty Status), 3 April 2020
- Memorandum, subject: Line of Duty Determination, 24 April 2020
- Orders: 29-177-1483 (A3), 6 June 2020
- DA Form 2173, 30 June 2020
- Memorandum, subject: Line of Duty Determination, 16 July 2020
- DA Form 2173, 19 August 2020
- Memorandum, subject: Line of Duty Determination, 29 March 2021
- Orders: 29-177-1483 (A4), 1 September 2020
- Orders: MM-0245-00016, 1 September 2020
- Orders: MM-0245-00016A01, 23 October 2020
- DD Form 214, 1 December 2020
- Orders: MM-1026-00030, 26 January 2021
- Orders: MM-1026-00030R, 27 January 2021
- Orders: NG-1026-00003, 26 January 2021
- Orders: NG-1026-00003A01, 16 April 2021
- Orders: NG-1026-00003A02, 25 May 2021
- Orders: MM-1207-00023, 26 July 2021

- Orders: MM-1207-00023A01, 26 August 2021
- Orders: MM-1238-00001, 26 August 2021
- Orders: MM-1238-00001A01, 21 October 2021
- DD Form 214, 7 December 2021
- Department of the Army Mobilization Processing System (DAMPS) Orders Audit
- Army National Guard (ARNG) Current Annual Statement 3 November 2023
- Memorandum, subject: Request to Expedite Army Board for Correction of Military Records (ABCMR) in Restoration of Medical Benefits, Pay and Allowances, 26 February 2024
- Department of Defense Instruction (DoDI) Number 1241.01, 19 April 2016

FACTS:

1. The applicant states:

a. He is requesting active-duty orders for the period 2 December 2020 through 31 January 2021 for either Medical Retention Processing (MRP) end date extension or earlier Reserve Component Managed Care - Mobilization (RCMC-M) start date for orders gap relief. Orders gaps represent breaks in medical coverage or coverage under Transitional Assistance Management Program (TAMP) 180, which never should have been triggered to start up unless gaps in continuity of orders.

b. He was not paid, did not accrue leave, or have accurately sponsored benefits from 2 December 2020 through 31 January 2021 due to order gap between MRP and RCMC-M orders, as a wounded warrior. One of his two release from active duty (REFRAD) DD Form 214s will need a DD Form 215 (Correction to DD Form 214), depending on the relief granted. He is missing a minimum of 2.03 months (61 days) of what should have been continuous active duty. He is currently serving as a traditional guardsman in the NCARNG.

2. The applicant provides the following:

a. Orders Number 29-177-1483, issued by the State of North Carolina, Office of the Adjutant General, Raleigh, NC on 26 June 2019, ordered the applicant to active duty in support of Operation Enduring Freedom (OEF) (Spartan Shield), with a report date of 21 August 2019, for a period of 400 days.

b. Orders Number 29-177-1483 (A1) dated 3 August 2019, show his orders were amended to add an accounting code and a Force Tracking Number (FTN).

c. Orders Number 29-177-1483 (A2) dated 12 March 2020, which show an amended period of active duty from 400 days to 430 days.

d. A Statement of Medical Examination and Duty Status dated 3 April 2020, which shows the applicant injured his left shoulder on 26 October 2019 while serving on active duty in Kuwait. The Line of Duty (LOD) was approved on 24 April 2020.

e. Orders Number 29-177-1483 (A3) dated 6 June 2020, which show an amended period of active duty from 430 days to 474 days.

f. A Statement of Medical Examination and Duty Status dated 30 June 2020, which shows the applicant injured his right shoulder on 27 April 2020 while on active duty at Camp Beurhing, Kuwait. The LOD was approved on 16 July 2020.

g. A Statement of Medical Examination and Duty Status dated 19 August 2020, which shows he was having trouble sleeping while in country and had headaches. He received a head injury from waking up from a nightmare and hit his head on the bunk bed. He was diagnosed with post-traumatic stress disorder (PTSD), unspecified. The LOD was approved on 29 March 2021.

h. Orders Number 29-177-1483 (A4) dated 1 September 2020 show an amended period of active duty from 474 to 379.

i. Orders Number MM-0245-00016, issued by Headquarters, U.S. Army Medical Command, Fort Sam Houston, TX on 1 September 2020, retained the applicant on active duty for the purpose of participating in the Reserve Component Warriors in Transition MRP Program for completion of an initial medical evaluation. His report date was 3 September 2020, with an end date of 1 November 2020, for a period of 60 days. The additional instructions state no break in service.

j. Orders Number MM-0245-00016A01, dated 23 October 2020, show an amended purpose type from initial to extension. The end date changed from 1 November 2020 to 1 December 2020, and the tour length changed from 60 days to 90 days.

k. DD Form 214 shows he was released from active duty on 1 December 2020.

l. Orders Number NG-1026-00003, issued by National Guard Bureau, ARNG, Arlington, VA on 26 January 2021, ordered the applicant to active duty under the provision of Title 10, U.S. Code, section 12301(h), to participate in the RCMC–M for managed medical care, for a period of 90 days. His report date was 1 February 2021 and end date was 1 May 2021.

m. Orders Number NG-1026-00003A01 dated 16 April 2021, show an amended end date from 1 May 2021 to 12 June 2021, and an amended tour length from 90 days to 132 days.

n. Orders Number NG-1026-00003A02 dated 25 May 2021, show an amended end date from 12 June 2021 to 29 July 2021, and an amended tour length from 132 days to 179 days.

o. Orders Number MM-1207-00023, issued by Headquarters, U.S. Army Medical Command, Fort Sam Houston, TX on 26 July 2021 retained the applicant on active duty under the provision of Title 10, U.S. Code, section 12301 (h), to participate in the Reserve Component Soldier Transition Medical Retention Processing Program for completion of a medical evaluation, for a period of 179 days, with a report date of 29 July 2021 and an end date of 23 January 2022. The additional instructions state no break in service.

p. Orders Number MM-1207-00023A01 dated 26 August 2021, show an amended end date from 23 January 2022 to 24 August 2021, and an amended tour length from 179 days to 27 days.

q. Orders Number MM-1238-00001, issued by Headquarters, U.S. Army Medical Command, Fort Sam Houston, TX on 26 August 2021, retained the applicant on active duty to participate in the Reserve Component Soldier in Transition Army Recovery Care Program thru completion of medical care and treatment, for a period of 152 days, reporting on 25 August 2021 and ending on 23 January 2022. The additional instructions show this was a consecutive assignment with no break in service.

r. Orders Number MM-1238-00001A01 dated 21 October 2021, show an amended purpose type from initial to REFRAD. The end date changed from 23 January 2022 to 7 December 2021, and the tour length changed from 152 days to 105 days.

s. DD Form 214 shows he was released from active duty on 7 December 2021.

t. A spreadsheet which reflects a DAMPS orders audit and contains the dates, order number, and the duty location where the applicant was mobilized.

u. A memorandum from the Adjutant General, NCARNG, dated 26 February 2024, wherein he requests the ABCMR expedite 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 OEF (Spartan Shield). The Adjutant General states, in pertinent part:

(1) 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.

(2) The organization has been trying to rectify the situation and the hardship that has been placed upon their Service Members and their families for several years but has yet to receive any determination to their requests. In accordance with Title 10, U.S. Code 12301(h), Reserve Component Soldiers activated in time of war or national emergency and placed in an active status are to receive authorized medical care; to be medically evaluated for disability or other purposes; or complete a required Department of Defense health care study, which may include an associated medical evaluation of the member.

(3) Given the length of time the Service Members have been waiting, he requests that the ABCMR expedite these cases.

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

- a. The applicant enlisted in the ARNG on 3 November 2016.
- b. On 26 June 2019, the applicant was ordered to active duty in support of Operation Enduring Freedom (Spartan Shield), with a report date of 21 August 2019.
- c. On or about 17 October 2019, the applicant deployed to Kuwait with additional duty in Bahrain.
- d. On 1 December 2020, he was released from active duty for completion of required active service. His DD Form 214 shows he served on active duty from 21 August 2019 to 1 December 2020; 1 year, 3 months, and 11 days of net active service during the covered period. This form also shows in block 18 (Remarks):
 - Service in Kuwait 21 October 2019 – 6 November 2019
 - Service in Bahrain 7 November 2019 – 17 March 2020
 - Service in Kuwait 18 March 2020 – 24 July 2020
 - Retained under provision of section 12301(h), Title 10 – Reserve Component Warriors in Transition Medical Retention Processing Program for completion of medical evaluation from 3 September 2020 – 1 December 2020
- e. He was ordered to active duty on 26 January 2021, for the purpose of participating in the Reserve Component Managed Care – Mobilization for managed medical care on 1 February 2021. The additional instructions state the applicant was placed on RCMC active-duty orders to complete medical care and treatment.
- f. On 7 December 2021, he was released from active duty for completion of required active service. His DD Form 214 shows he served on active duty from 1 February 2021 to 7 December 2021; 10 months and 7 days of net active service during the covered period. This form also shows in block 18 (Remarks):

- Purpose to participate in Reserve Component Managed Care – Mobilization for managed medical care mobilization from 1 February 2021 to 28 July 2021.
- Purpose to participate in Reserve Component Solider in Transition Medical Retention Processing Program for completion of medical evaluation from 29 July 2021 to 24 August 2021.
- Purpose to participate in Reserve Component Solider in Transition Army Recovery Program thru Completion of Medical Care and Treatment from 25 August 2021 to 7 December 2021.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was 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 petition and available military record, the Board determined there is sufficient evidence to support correction of the applicant's DD Form 214 for the period ending 1 December 2020 to show continuous active service for the period of 2 December 2020 through 31 January 2021 for either Medical Retention Processing (MRP) end date extension. The Board determined the applicant was erroneously triggered orders gaps which represents a breaks in medical coverage or coverage under Transitional Assistance Management Program (TAMP) 180. Based on the applicant's orders and preponderance of evidence, the Board granted relief to correct the applicant's DD Form 214.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

| | | | |
|-------------------------------------|-------------------------------------|-------------------------------------|----------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 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 the Army records of the individual concerned be corrected by amending the applicant's DD Form 214 for the period ending 1 December 2020 to show in block 18 (Remarks) continuous active service for the period of 2 December 2020 through 31 January 2021 for Medical Retention Processing (MRP) end date extension.



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. Army Regulation 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 REFRAD, retirement, or discharge.

a. When separation is ordered, the separation approval documents must be present for transition processing to occur. Use the following documents when preparing a DD Form 214:

- Servicemember's record brief (computer generated)
- Separation approval documents, if applicable
- Separation order
- Any other document authorized for filing in the Army Military Human Resources Record

b. DD Form 214, block 12b (Separation Date This Period) list 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.

2. Army Regulation 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.

3. Title 10, U.S. Code, section 12301(h), Reserve components generally, states:

a. 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.

b. 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.

c. 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.

4. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right

to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//