

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 November 2024

DOCKET NUMBER: AR20240003322

APPLICANT REQUESTS:

- correction of DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending on 22 February 1985, item 12a. (Date Entered Active Duty this Period) to reflect "9 February 1976" instead of "14 March 1978"
- addition of the Army Commendation Medal (w/ 1 Bronze Oak Leaf Cluster)

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

- DD Form 149 (Application for Correction of Military Record)
- Personnel Qualification Record Part 1
- Excerpt from DA Form 2-1 (Personnel Qualification Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 22 February 1985
- DD Form 215 (Correction to DD Form 214 Certificate of Release or Discharge from Active Duty), 25 January 2023

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 in pertinent part that his DD Form 214 for the period ending on 22 February 1985, is in correct because it does not include his enlistment in the Regular Army since 9 February 1976. He would also like his awards updated.
3. A review of the applicant's available service records reflects the following:
  - a. On 10 February 1976, the applicant enlisted in the Regular Army for 3 years with duty as a 68J (Aircraft Fire Control Repairer). He completed 2 years, 1 month, and 4 days of net active service. His record is void of a DD Form 214 for this period of service [The applicant may be issued a Statement of Service for this period].

b. On or about 14 March 1978, the applicant immediately reenlisted in the Regular Army for 4 years. [Note: In October 1979, the Army stopped issuing a separate DD Form 214 for each period of immediate reenlistment]

c. On 23 February 1982, the applicant immediately reenlisted in the Regular Army for 3 years.

d. On 10 January 1985, the U.S. Army Transportation Center issued Orders Number 7-4 announcing the applicant's reassignment to the separation transfer point pending separation processing.

e. On 22 February 1985, the applicant was honorably discharged from active duty due to expiration of his term of service. He completed 6 years, 11 month, and 9 days of active service during this period. The applicant's DD Form 214 for this period reflects the following:

- Item 12a. (Date Entered Active Duty this Period) – 14 March 1978
- Item 12b. (Separation Date this Period) – 22 February 1985
- Item 12c. (Net Active Service this Period) – 6 years 11 months, and 9 days
- Item 12d. (Total Prior Active Service) – 2 years 1 month, and 4 days
- Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) – Army Service Ribbon, Overseas Service Ribbon, Noncommissioned Officer Professional Development Ribbon, Marksmanship Badge (w/ M-16 Rifle bar) and the Army Good Conduct Medal (w/ 2 Oak Leaf Cluster)

4. The applicant provides the following a:

a. Personnel Qualification Record Part 1, reflective of the applicant's Basic Active Service Date/Pay Entry Basic Date of 10 February 1976.

b. Excerpt from DA Form 2-1, reflective of the applicant's pertinent assignment history.

c. DD Form 215 dated 25 January 2023, reflective of DD Form 214 for the period ending on 22 February 1985, being amended to reflect the addition of the Army Commendation Medal (w/ 1 Oak Leaf Cluster).

5. By regulation (Army Regulation (AR) 635-5 (Separation 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.

Chapter 2 contains guidance on the preparation of the DD Form 214. It states for:

- Item 12a, enter the beginning date of the continuous period of active duty for issuance of this DD Form 214, for which a DD Form 214 was not previously issued
- Item 12b, enter the Soldier's transition/separation date
- Item 12c, enter the amount of service this period, computed by subtracting item 12a from 12b (less time lost)
- Item 12d, enter the total amount of prior active military service less time lost

6. AR 635-5, effective 1 October 1979, was revised. Paragraph 1-4b(5) stated the DD Form 214 will not be prepared for enlisted members discharged for immediate reenlistment in the Regular Army.

7. AR 635-5 also states, do not reissue DD Form 214 to replace record copies or DD Forms 214 lost by service members. If no DD Form 214 is available, issue a statement of service or transcript of military record.

#### BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Army Commendation Medal: No Action. The applicant has already been issued a DD Form 215 that corrected his retirement DD Form 214 to reflect the Army Commendation Medal with oak leaf cluster. Therefore, there is no further action required by this Board.

b. Entry date: Partial Grant. The applicant initially enlisted in the Regular Army on 10 February 1976, and he was discharged on 13 March 1978 for immediate reenlistment. He completed 2 years, 1 month, and 4 days of net active service. His record is void of a DD Form 214 for this period of service. Since his DD Form 214 for this period is not available, the Board determined he should be issued a Statement or Transcript of Service for this period. The applicant reenlisted on 14 March 1978 and again on 23 February 1982. In October 1979, the Army stopped issuing a separate DD Form 214 for each period of immediate reenlistment. When the applicant was discharged on 22 February 1985, he was issued a DD Form 214 that captured his 6 years, 11 month, and 9 days of continuous honorable service from 14 March 1978 to 22 February 1985, as well as his 2 years, 1 month, and 4 days of prior active service. Therefore, the applicant's DD Form 214 ending on 22 February 1985 properly captured his active service and no further correction is required.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:                :                :                GRANT FULL RELIEF

█                █                █                GRANT PARTIAL RELIEF

:                :                :                GRANT FORMAL HEARING

:                :                :                DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by issuing the applicant a Transcript of Service for his honorable service for the period 10 February 1976 to 13 March 1978.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to any relief in excess of that described above.

11/18/2024

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. AR 635-5 (Separation Documents), in effect at the time states 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. Chapter 2 contains guidance on the preparation of the DD Form 214. It states for:

- Item 12a, enter the beginning date of the continuous period of active duty for issuance of this DD Form 214, for which a DD Form 214 was not previously issued
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3. AR 635-5, effective 1 October 1979, was revised. Paragraph 1-4b(5) stated the DD Form 214 will not be prepared for enlisted members discharged for immediate reenlistment in the Regular Army.

4. AR 635-5 also states, do not reissue DD Form 214 to replace record copies or DD Forms 214 lost by service members. If no DD Form 214 is available, issue a statement of service or transcript of military record. It further states to issue a separate DD Form 214 when an enlisted Soldier transitions into officer status.

//NOTHING FOLLOWS//