

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 November 2024

DOCKET NUMBER: AR20240003475

APPLICANT REQUESTS: in effect, issuance of a DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his basic training period of service.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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 seeking correction of his DD Form 214 to show his active duty time for service credit towards his civilian retirement. He had a split option training from 3 January 1994 to 18 February 1994 and from 6 June 1994 to 2 September 1994. He filed through his human resource office in August 2023 for retirement on 12 January 2024. He was made aware in October 2023 that Office of Personnel Management (OPM) were no longer accepting memorandum or letters as proof of active duty. He would have to give OPM a corrected DD Form 214 to receive credit towards his civilian retirement.
3. A review of the applicant's service record shows:
 - a. He enlisted in the California Army National Guard on 23 June 1993.
 - b. Memorandum issued by U.S. Army Chemical and Military Police Centers & Fort McClellan on 18 February 1994 shows the applicant entered active duty on 3 January 1994 and his tour of duty termination on 18 February 1994. The applicant was released from active duty due to personal reasons. The Soldier did not complete basic training. This letter was issued in lieu of DD Form 220 (Active Duty Report).
 - c. The applicant's record contains a DD Form 214 for the period ending 2 September 1994, which shows he entered active duty on 6 June 1994 and was

honorably released from active duty on 2 September 1994. The DD Form 214 shows he completed 2 months and 27 days of active service. He was not awarded a military occupational specialty (MOS).

d. Orders Number 197-1, issued by Office of Adjutant General, Sacramento, California on 6 October 1994, awarded the applicant MOS 95B (Military Police) with an effective date of 16 September 1994.

e. The applicant's record contains a DD Form 214 for the period ending 5 March 1995, which shows he entered active duty on 5 October 1995 and was honorably released from active duty on 5 March 1995. The DD Form 214 shows he completed 5 months and 1 day of active service. His MOS is shown as 95B.

4. By regulation, 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.

a. Reserve Component (RC) Soldiers completing 90 days or more days of continuous active duty. For example, such periods may consist of Active-Duty Operational Support (ADOS), contingency operations-ADOS, active-duty operational support-RC, AGR, or full-time National Guard duty for operational support.

b. RC Soldiers completing active duty that results in the award of a military occupational specialty (MOS), even when the active-duty period was less than 90 days (for example, completion of the advanced individual training component of ARNGUS Alternate Training Program or USAR Split Training Program).

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. When a Soldier enlists under a split option program, they are issued a DD Form 220 (Active Duty Report) upon successful completion of basic combat training and a DD Form 214 upon successful completion of MOS training and award of MOS. The evidence shows the applicant entered active duty on 3 January 1994 and his tour of duty terminated on 18 February 1994. He was released from active duty due to personal reasons. The Soldier did not complete basic training and therefore was issued a letter in lieu of DD Form 220. By regulation, the DD Form 214 is issued to Reserve Component (RC) Soldiers completing 90 days or more days of continuous active duty and RC Soldiers completing active duty that results in the award of a military occupational

specialty (MOS), even when the active-duty period was less than 90 days (for example, completion of the advanced individual training component of ARNGUS Alternate Training Program or USAR Split Training Program). Based on the available evidence, the Board determined relief is not warranted.

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.

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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, United States Code, 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 635-5 (Separation Documents), 15 August 1979 prescribes the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service or control of the Army. It establishes standardized policy for preparing and distributing DD Form 214.

a. Paragraph 1-4 states a DD Form 214 will be prepared for all personnel (except as stated in b below) at the time of their retirement, discharge, or release from the Active Army. Personnel included, in pertinent part, are members of the ARNGUS (Army National Guard of the United States) and USAR separated -

(1) For physical disability under the provisions of AR 635-40, regardless of the period of time served on active duty. (Separation under the provisions of paragraph 5-7, AR 635-200 is not a physical disability separation.)

(2) After completing 90 days of more of continuous ADT, FTTD [full-time training duty], of active duty support.

(3) After completing initial active duty for training which resulted in the award of an MOS, even though the active duty was less than 90 days. This includes completion of AIT under the ARNGUS Alternate Training Program or USAR Split Training Program. See paragraph 2-13.

b. Paragraph 2-13 (DD Form 220 (Active Duty Report)) states to complete two copies of the DD Form 220 upon completion of the basic training portion for members enlisted under the USAR Split Training Program and the ARNGUS Alternate Training Program.

//NOTHING FOLLOWS//