

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 December 2024

DOCKET NUMBER: AR20240003671

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect the following:

- Army Achievement Medal
- Item 18 (Remarks): Title 32, USC

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 638 (Recommendation for Award), 14 June 2009
- Army Achievement Medal Certificate

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 in effect:

a. He received the Army Achievement Medal for casket watch during the funeral of Sergeant [REDACTED]. He served his country at a time of war, and he was proud to do such a selfless act. A Soldier's devotion to the country should not go unnoticed. His greatest award is being seen as a Veteran.

b. His Title 32, USC service was never added to his DD Form 214 which he believes eliminates any Veteran status he can benefit from.

3. The applicant provides a DA Form 638 with respective Army Achievement Medal certificate with Permanent Order #09-165-21M, for the applicant's volunteer service as casket watch for the funeral of SGT [REDACTED] from 6 to 7 March 2009.

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

a. The applicant enlisted in [REDACTED] Army National Guard (■ ARNG) on 29 April 2008.

b. Orders Number 8120013, issued by Military Entrance Processing Station, 29 April 2008, shows in part, the applicant was ordered to active-duty training (ADT) under Title 10 USC with a report date of 20 May 2008.

c. He was honorably released from ADT on 19 September 2008. His DD Form 214 shows he completed 4 months of active service with no lost time. It also shows he was awarded or authorized:

- National Defense Service Medal
- Army Service Ribbon

d. On 3 April 2014 the applicant was honorably discharged from the ■ ARNG. His NGB Form 22 (National Guard Report of Separation and Record of Service), shows he completed 3 years, 5 months, and 28 days. It also shows he was awarded or authorized:

- Army Achievement Medal
- National Defense Service Medal
- Army Service Ribbon

5. By regulation (AR 635-8), the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The information entered thereon reflects the conditions as they existed at the time of separation. The regulation further states for Block 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) list all federally recognized awards and decorations for all periods of service. Do not enter foreign or State level awards on the DD Form 214. State awards and decorations will be entered on NGB Form 22 (National Guard Report of Separation and Record of Service) upon separation from the ARNGUS.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.

2. The applicant was awarded the Army Achievement Medal for service he performed after the period covered by his DD Form 214. The regulation governing preparation of the DD Form 214 does not provide for amending the form to add awards that were

received after the period of service documented on the DD Form 214. The Board determined the absence of the Army Achievement Medal on his DD Form 214 is not an error.

3. The Board found no regulatory provisions for adding "Title 32, USC" to a DD Form 214 that is issued upon completing of initial entry training. The Board determined there is no basis for this portion of the requested relief.

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.

12/8/2024

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, U.S. 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 635-8 (Separation Processing and Documents), in effect at the time, prescribed the separation documents that must be prepared for Soldiers at the time of retirement, discharge, or release from active-duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214 (Certificate of Release or Discharge from Active Duty). The general instructions stated to ensure that all information entered on the DD Form 214 is accurate.

a. Block 13: Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized. List all federally recognized awards and decorations for all periods of service. Do not use abbreviations. Do not enter foreign or State level awards on DD Form 214. State awards and decorations will be entered on NGB Form 22 (National Guard Report of Separation and Record of Service) upon separation from the ARNGUS.

b. The instructions for the completion of item 18 (Remarks) state to use this block for Headquarters Department of the Army mandatory requirements when a separate block is not available; as a continuation for entries in blocks 9, 11, 13, and 14; or for conditional entries as listed below: For RC Soldiers ordered to active duty, participating in or supporting a contingency operation, and deployed to a foreign country, enter the following three statements in 1, 2, and 3, below in succession. For RC Soldiers ordered to active duty, participating in or supporting a contingency operation, and stationed in CONUS enter statements in 1 and 3, below. For active-duty Soldiers deployed with their unit during their continuous period of active service, enter only the statement in 2, below.

- “ORDERED TO ACTIVE DUTY IN SUPPORT OF (OPERATION NAME) PER 10 USC (applicable section)”
- “SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates)”
- “SOLDIER HAS/HAS NOT COMPLETED PERIOD FOR WHICH ORDERED TO ACTIVE DUTY FOR PURPOSE OF POST–SERVICE BENEFITS AND ENTITLEMENTS”

c. Chapter 2-5, shows in part the State level Joint Forces Headquarters will publish release from active duty (REFRAD) or discharge orders for all ARNG Title 32 AGR status Soldiers upon separation from active duty.

//NOTHING FOLLOWS//