

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 December 2024

DOCKET NUMBER: AR20240003760

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 20 August 1968 to show his character of service and type of certificate issued.

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

DD Form 149 (Application for Correction of Military Record), Page 1

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 the type of discharge he was given was not put on his DD Form 214. He needs it for the motor vehicle placard for free meter parking.
3. A review of the applicant's service record shows:
 - a. He enlisted in the Regular Army on 30 March 1965 for a period of three years.
 - b. His DA Form 20B (Insert Sheet to DA Form 20 (Enlisted Qualification Record) Record of Court-Martial Conviction) shows by Special Court-Martial Order Number 217, the applicant was found guilty on 16 September 1965 of:
 - Charge II, one specification of on or about 13 August 1965, discharging a pistol inside the barracks
 - Charge III, one specification of being absent without leave (AWOL) from 28 August 1965 to 30 August 1965
 - Additional Charge, one specification of being AWOL from 4 September 1965 to 7 September 1965

- The court sentenced him to confinement at hard labor for five months and forfeiture of \$62.00 per month for two months. The sentence was approved on 15 October 1965.

c. The applicant was released from active duty on 20 August 1968 and transferred to the U.S. Army Reserve (USAR) Control Group. His DD Form 214 shows in:

- Item 11c (Reason and Authority): Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), Chapter 2, Section VI, Separation Program Number (SPN) 201, Expiration of Term of Service (ETS)
- Item 13a (Character of Service): This box was left blank
- Item 13b (Type of Certificate Issued): This box was left blank
- Item 15 (Reenlistment Code): RE 3B
- Item 22a (1) (Net Service This Period): 3 years
- Item 30 (Remarks): 141 days lost under Section 972, Title 10 U.S. Code from:
 - 28 August 1965 – 29 August 1965
 - 4 September 1965 – 6 September 1965
 - 7 September 1965 – 15 September 1965
 - 16 September 1965 – 20 January 1966

d. Letter Orders Number 02-1047353, dated 27 February 1973, issued by the Office of the Adjutant General, U.S. Army Reserve Components Personnel and Administration Center, St. Louis, MO, relieved the applicant from the USAR Control Group Standby, effective 1 February 1973. It shows the following:

- Type of Discharge: Honorable
- Reason for Discharge: ETS

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.

2. Although the applicant was convicted by a court-martial during his period of active duty service, the court-martial sentence did not include a punitive discharge, and he was allowed to serve until his ETS after which he was transferred to the U.S. Army Reserve Control Group (Reinforcement). The Board agreed that a separation at ETS normally warrants an honorable character of service. The Board determined the

applicant's DD Form 214 should be corrected to show his character of service was honorable and he was issued an Honorable Discharge Certificate.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

█	█	█	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 his DD Form 214 to show his character of service was honorable and he was issued an Honorable Discharge Certificate.

12/16/2024
<div style="display: flex; align-items: center; justify-content: center;"> <div style="font-size: 2em; margin-right: 10px;">X</div> <div style="background-color: black; width: 150px; height: 25px;"></div> </div> <hr style="border: 1px solid black; margin: 5px 0;"/> <div style="text-align: center;"> CHAIRPERSON <div style="background-color: black; width: 200px; height: 15px; margin: 5px auto;"></div> </div>

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 (AR) 635-200 (Personnel Separations – Enlisted Personnel) in effect at the time, set forth the basic authority for the separation of enlisted personnel.

a. Chapter 1 stated:

(1) Individuals who were discharged or released from active duty or active duty for training would be furnished a factual record of their military service, the character and duration of service, and the type of separation on DD Form 214.

(2) The type and character of separation issued upon administrative separation from current enlistment or period of service would be determined solely by the member's military record during that enlistment or period of service. The evaluation of an individual's service and conduct would be based on his overall period of current service rather than any disqualifying entries in his Enlisted Qualification Record during a particular portion of such service.

b. Chapter 2, Section VI, states that Expiration of Term of Service. Separation will be accomplished by the transfer facility processing the member for separation, pursuant to the discharge order issued by the appropriate commander. The specific reason and authority for separation would be entered in item 11c, DD Form 214.

c. An honorable discharge is a separation with honor. Issuance of an honorable discharge certificate is predicated upon proper military behavior and proficient performance of duty during the member's current enlistment or period of obligated service with due consideration for the member's age, length of service, grade, and general aptitude. Where a member has served faithfully and performed to the best of his ability and has been cooperative and conscientious in doing his assigned tasks, he may be furnished an honorable discharge.

d. A general discharge is a separation from the Army under honorable conditions. It is issued to a member whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge. When a member's service is characterized as general, except when discharged by reason of misconduct, unfitness, unsuitably, homosexuality, or security, the specific basis for such separation would be included in the individual's military personnel record.

3. AR 601-210 (Active and Reserve Components Enlistment Program) covers eligibility criteria, policies, and procedures for enlistment and processing into the Regular Army, U.S. Army Reserve, and Army National Guard. Table 3-1 provides a list of RE codes.

- RE code "1" applies to Soldiers completing their term of active service, who are considered qualified for enlistment if all other criteria are met

- RE code "2" is no longer in use but applied to Soldiers separated for the convenience of the government, when reenlistment is not contemplated, who are fully qualified for enlistment/reenlistment
- RE code "3" applies to Soldiers who are not considered fully qualified for reentry or continuous service at time of separation, whose disqualification is waivable; they are ineligible unless a waiver is granted
- RE code "4" applies to Soldiers separated from last period of service with a non-waivable disqualification
- RE code "3B" applied to Soldiers who had lost time during their last period of service, who were ineligible for enlistment unless a waiver was granted
- RE code "3C" applied to Soldiers who had completed over 4 months of service who did not meet the basic eligibility pay grade requirements or who have been denied reenlistment under the Qualitative Retention Process and were ineligible for enlistment unless a waiver was granted.

4. AR 635-5-1 (Separation Program Designators (SPD) Codes), in effect at the time, provided that enlisted Soldiers separated under the provisions of AR 635-200, wherein the reason of separation was for Expiration of Term of Service (including personnel on ADT as initial trainees) would receive an SPD code of "201."

//NOTHING FOLLOWS//