

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 June 2025

DOCKET NUMBER: AR20240003779

APPLICANT REQUESTS:

- a. correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 30 September 1982 to show the date he entered active duty as 1 June 1958 and
- b. a personal appearance hearing before the Board via video or telephone.

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- DD Form 214 for the period ending 30 September 1982

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 was ordered to active duty for training from college to Fort Benning, GA on 1 June 1958. His DD Form 214 shows his active-duty date as 9 July 1958, which is incorrect and should be corrected to 1 June 1958.
3. After prior enlisted service in the Army National Guard and the United States Army Reserve, he was appointed as a Reserve commissioned officer of the Army and executed his oath of office on 25 May 1958.
4. His DD Form 220 (Active Duty Report), 12 May 1958 shows in:
 - a. item 9 shows an "X" by the statement "Report of Entry on Extended Active Duty" and in item 9c shows an "X" by the statement "Relief from tour Active Duty Training for more than 45 days";

- b. item 10 (Date of Entry Upon Active Duty) – 1 June 1958;
- c. item 11 (Date Reported for Active Duty) – 2 June 1958; and
- d. item 14 (Authority) – Fourth U.S. Army Letter Orders 5-13, 6 May 1958.

5. He was honorably discharged on 9 July 1958 for appointment in the Regular Army. His DD Form 214 (Armed Forces of the United States Report of Transfer of Discharge) covering this period shows he entered active duty on 1 June 1958. He completed 1 month and 8 days of net service this period. Item 17 (Current Active Service Other Than Induction – Source of Entry) states "Called from Reserve Status."

6. He was appointed as a Regular Army officer and executed his oath of office on 9 July 1958.

7. He retired on 30 September 1982 in the rank/grade of lieutenant colonel/O-5. His DD Form 214 for this period shows in:

- item 12a (Date Entered Active Duty This Period) – 9 July 1958
- item 12b (Separation Date This Period) – 30 September 1982
- item 12c (Net Active Service This Period) – 24 years, 2 months, and 22 days

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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 records, the Board determined that the applicant had two distinct periods of active service.

- The first DD Form 214 covers the period 2 June – 9 July 1958, reflecting 1 month and 8 days of net service.
- The second DD Form 214 covers the period 9 July 1958 – 30 September 1982, reflecting 24 years, 2 months, and 22 days of service.

The Board found no error in the applicant's DD Form 214 documents and confirmed their accuracy. As such, relief is denied.

2. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

3. The applicant’s request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

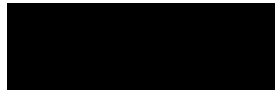
: : : GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

■ ■ ■ DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, the Board found 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.



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.

ADMINISTRATIVE NOTE(S):

The applicant will be provided a copy of his DD Form 214 for the period ending 9 July 1958 for his records.

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 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR will decide cases on the evidence of record; it is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of evidence. The ABCMR may, in its discretion, hold a hearing (sometimes referred to as an evidentiary hearing or an administrative hearing) or request additional evidence or opinions. 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.
3. Army Regulation 635-5 (Personnel Separations – Administrative Separation Procedures and Forms), effective 12 June 1956, establish uniform administrative procedures and separation forms to be used in connection with the relief from active duty or complete separation from military service of commissioned officers, warrant officers, and enlisted personnel. DD Form 214 will be issued at the time of separation to each officer and enlisted person discharged, retired, or relieved from active duty, regardless of the character of service rendered by the commander of the transfer facility unless otherwise directed by the Department of the Army.
4. Army Regulation 635-5 (Separation Documents), effective 1 October 1979, 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. This revision ended the need to prepare a DD Form 214 for enlisted members who were discharged for immediate reenlistment.
 - a. Paragraph 1-4 stated a DD Form 214 would not be prepared for enlisted members discharged for immediate reenlistment in the Regular Army.

b. Paragraph 2-5 stated do not reissue a 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.

c. The specific instructions for item 12a (Date Entered Active Duty This Period) stated to enter the date of the first day of the last immediate reenlistment for which a DD Form 214 was not issued.

d. The specific instructions for item 18 (Remarks) stated to enter a list of enlistment periods for which a DD Form 214 was not issued under the provisions of paragraph 1-4 (example: Immediate Reenlistments This Period: 761210-791001; 791002-821001).

//NOTHING FOLLOWS//