

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 December 2024

DOCKET NUMBER: AR20240003816

APPLICANT REQUESTS: reconsideration of his previous request to correct his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show he completed two years of active-duty service.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
Self-authored Statement

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20220011989 on 28 June 2023.

2. The applicant states he requests for the Board to consider his Delayed Entry Program (DEP) time, as he enlisted seven months prior to his deployment. Additionally, he states at this stage in his life he needs the benefits and would gratefully appreciate the reconsideration.

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

a. He enlisted in the United States Army Reserve (USAR) DEP on 5 January 1987. He was subsequently released from the DEP to enlist in the Regular Army on 2 September 1987.

b. On 17 July 1989, in a Memorandum, Subject: Report of Psychiatric/Psychological Evaluation, he was evaluated and was diagnosed with an "occupational problem" and "personality disorder with narcissistic and antisocial features." It was suggested that he be separated under Army Regulation (AR) 635-200 (Personnel Separations Enlisted Personnel), Chapter 5, paragraph 13.

c. The applicant's immediate commander notified him in writing of his intent to initiate separation proceedings in accordance with AR 635-200, Chapter 5-13, on 20 July 1989. On the same date, the applicant acknowledged receipt of notification and

endorsed his election of rights. He was afforded the opportunity to consult with counsel. He did not submit statements in his own behalf.

d. On 21 July 1989, the intermediate commander concurred with the immediate commander and recommended approval of the separation proceedings.

e. On 25 July 1989, the separation authority approved and ordered his discharge with an honorable discharge certificate.

f. Orders Number 143-35, issued by the 546th Personnel Service Company on 26 July 1989 separated the applicant with an effective date of 2 August 1989.

g. On 2 August 1989, he was discharged due to personality disorder. His DD Form 214 shows he completed 1 year, and 11 months of net active service. It also shows in:

- Item 12d (Total Prior Active Service): 00 00 00
- Item 12e (Total Prior Inactive Service): 00 00 00
- Item 18 (Remarks) DEP 5 January 1987 – 2 September 1987

4. His service record does not contain any additional orders or DD Forms 214 that show he has or had any additional periods of active-duty service after 2 August 1989.

5. On 28 June 2023, the ABCMR denied his request to correct his DD Form 214 to show he completed two years of active-duty service. The Board determined 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. The Army has an interest in maintaining the integrity of its records for historical purposes. The information in those records must reflect the conditions and circumstances that existed at the time the records were created.

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 there is insufficient evidence to support the applicant's contentions for relief. The Board noted, the applicant enlisted in the United States Army Reserve Delayed Entry Program (DEP) on 5 January 1987 and transitioned to the Regular Army on 2 September 1987. On 17 July 1989, he underwent a psychiatric evaluation resulting

in a diagnosis of an occupational problem and a personality disorder with narcissistic and antisocial features.

2. The Board determined the applicant was afforded all procedural rights, including legal counsel, and was honorably discharged on 2 August 1989 after completing 1 year and 11 months of active-duty service. Based on regulatory guidance, the applicant's DD Form 214 accurately reflects his service, including the DEP period, which does not count toward active-duty time. Furthermore, no evidence was presented to support a correction to reflect two full years of active-duty service. The Board upholds the integrity of official military records and concludes that the applicant's discharge documentation is both accurate and appropriate. Therefore, the Board determined reversal of the previous Board determination is without merit and relief is denied.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XXX	XXX	XXX	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

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 to amend the decision of the ABCMR set forth in Docket Number AR20220011989 on 28 June 2023.

X //SIGNED//

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. AR 635-5, (Separation Documents), in effect at the time, governed the preparation of the DD Form 214. The instructions state:

a. 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.

b. For item 12b, show the Soldier's transition date. This date may not be the contractual date if the Soldier is separated early, voluntarily extends, or is extended to make up time lost, or retained on active duty for the convenience of the Government.

c. For item 12c, enter the amount of service this period, computed by subtracting item 12a from 12b.

2. AR 635-8 (Separation Processing and Documents) states for DD Form 214, item 18; enter period of DEP (inclusive period of DEP time).

3. AR 637-1 (Army Compensation and Entitlements Policy) states service as an enlisted Soldier in a Reserve Component (RC), including Individual Ready Reserve (IRR) service (inactive and active) under the Delayed Entry Program (DEP), before beginning active duty or an initial period of active-duty training (ADT), provided the Reserve enlistment was entered into before 1 January 1985. As of 1 January 1985, the following restrictions went into effect as and when stated: For enlistments in an RC under Title 10, USC, section 12103, including enlistments under a DEP, that were entered into between 1 January 1985, and 28 November 1989, the period served in the RC before beginning active duty or an initial period of ADT is not creditable.

4. AR 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 begins its consideration of each case with the presumption of administrative regularity. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//