

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]
[REDACTED]

BOARD DATE: 11 December 2024

DOCKET NUMBER: AR20240003882

APPLICANT REQUESTS:

- Active duty “bridging” orders published for the period “11 November 2020 through 25 January 2021”
- Correction of DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending on 24 November 2020 to show continuous service through 25 January 2021
- Personal appearance before the Board via telephone/video

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

- DD Form 149 (Application for Correction of Military Record)
- Supporting Documents List
- Orders Number 29-177-0961, 26 June 2019
- Orders Number 29-177-0961 (A1), 3 August 2019
- Orders Number 29-177-0961 (A2), 17 March 2020
- Orders Number 29-177-0961 (A3), 7 June 2020
- Orders Number MM-0233-00010, 20 August 2020
- Orders Number 29-177-0961 (A4), 27 August 2020
- Orders Number MM-0233-00010A01, 23 October 2020
- National Guard Bureau (NGB) Memorandum - Subject: Line of Duty Determination [Applicant], 27 October 2020
- DD Form 214 (Certificate of Release or Discharge from Active Duty), Worksheet, 24 November 2020
- Orders Number NG-1026-00014, 26 January 2021
- Orders Number NG-1026-00014A01, 25 March 2021
- Orders Number NG-1026-00014A02, 25 June 2021
- Orders Number 0001785631.00, 22 April 2022
- NGB Form 22 (National Guard Report of Separation and Record Service), 20 May 2022
- NGB Form 23A (Army National Guard Current Annual Statement), 20 February 2024

- North Carolina National Guard Adjutant General Memorandum - Subject: Request to Expedite Army Board for Corrections of Military Records (ABCMR) in the Restoration of Medical Benefits, Pay and Allowances, 26 February 2024
- Published Orders screenshot

FACTS:

1. The applicant states she requests active duty bridging orders from 11 November 2020 through 25 January 2021 while participating in MRP-E [Medical Retention Processing-Evaluation]. Reference Army Board for Correction of Military Records (SAMR-RBA) case/docket number AR20220011892 dated 9 May 2023 findings for similar case facts and disposition to support this request. It is what should have occurred. She was not paid, and she did not accrue leave or had accurate benefits from 11 November 2020 through 25 January 2021 as a wounded warrior. Her one REFRAD DD Form 214 is incorrect because it does not reflect potentially 2.07 months (62 days) of what should have been continuous Title 10, U.S. Code (USC), section 12302(h) active recovery duty status. She is honorably discharged from the North Carolina Army National Guard (NCARNG). If corrected, she would have one continuous Title 10 DD Form 214 that accounts for both section(s) 12302/12302(h) through 25 January 2021. Relief also fixes her DD Form 214 end date via DD Form 215 (Correction to DD Form 214).

2. A review of the applicant's military service records show:

a. She enlisted in the Florida Army National Guard on 30 June 2011 and transferred to the NCARNG on 1 December 2015.

b. On 26 June 2019, Office of the Adjutant General (AG), NCARNG published Orders Number 29-177-0961, which ordered the applicant to active duty (mobilization) for 400 days in support of Operation Enduring Freedom (Spartan Shield), with a report date of 12 August 2019.

c. On 22 October 2019, Headquarters, U.S. Army Garrison Fort Bliss published Orders Number BL-295-0314, which deployed the applicant in a Temporary Change of Station status not to exceed 325 days in support of Operation Enduring Freedom (Spartan Shield) Camp Buerhing, Kuwait on or about 26 October 2019.

d. Office of the Adjutant General, NCARNG published orders which amended the Period of Active Duty for Order Number 29-177-0961 to 430 days vice 400 on 17 March 2020, and to 483 days vice 430 on 7 June 2020.

e. On 20 August 2020:

(1) Headquarters, U.S. Army Garrison Fort Bliss published Orders Number BL-295-0314 (A3), which amended Order Number BL-295-0314, by changing the Days Out to 306 vice 325.

(2) Headquarters, U.S. Army Medical Command (MEDCOM), Fort Sam Houston, TX, published Orders Number MM-0233-00010, which retained the applicant on active duty for 60 days to participate in the Reserve Component Warriors in Transition Medical Retention Processing Program for completion of medical evaluation with a report date of 27 August 2020. The additional instructions state:

(a) No break in service and the applicant will be entered into the Physical Disability Evaluation System process at the earliest determination or if the applicant is unable to return to full military duty within one year of diagnosis of medical condition before orders expire.

(b) Release from active duty is required upon completion of medical care. The installation transition center will prepare release order and DD Form 214 upon completion of active duty.

f. On 27 August 2020, Office of the Adjutant General, NCARNG published Orders Number 29-177-0961 (A4), which amended Order Number 29-177-0961, by changing the Period of active duty to 381 days vice 483.

g. On 23 October 2020, Headquarters, U.S. Army MEDCOM published Orders Number MM-0233-00010A01, which amended Order Number MM-0233-00010, by changing:

- Purpose Type to "Extension"
- End Date to "24 November 2020"
- Tour Length to "90" days

h. On 24 November 2020, DD Form 214 shows the applicant was honorably released from active duty (on 24 November 2020) and was transferred to her NCARNG unit. Item 12c (Net Active Service This Period) shows she completed 1 year, 3 months, and 13 days.

i. On 26 January 2021, NGB published Orders Number NG-1026-00014, which ordered the applicant to active duty for 60 days to participate in the Reserve Component Managed Care-Mobilization for Managed Medical Care (mobilization), with a report date of 26 January 2021. The additional instructions state, the applicant is on "RCMC" [Reserve Component Managed Care] active-duty orders to complete medical care and treatment.

j. On 25 March 2021, NGB published Orders Number NG-1026-00014A01, which amended Order Number 1026-00014, by changing the End date to 24 June 2021 vice 26 March 2021, and Tour Length to 150 days vice 60 days.

k. On 25 June 2021, NGB published Orders Number NG-1026-00014A02, which amended Order Number 1026-00014, by changing the End date to 23 July 2021 vice 24 June 2021, and Tour Length to 179 days vice 150 days.

l. The applicant's record contains NGB Form 23A prepared on 30 June 2021, which shows she was mobilized from 12 August 2019 to 24 November 2020, and placed on active duty again on 26 January 2021.

m. On 23 July 2021, DD Form 214 shows the applicant was released from active and was transferred to her NCARNG unit. Item 12c shows she completed 5 months and 28 days net active service this period.

n. On 31 March 2022, DD Form 199 (Informal Physical Evaluation Board (PEB) Proceedings) shows an informal PEB found the applicant physically unfit and recommended a rating of 30 percent, and that her disposition be permanent disability retirement. She concurred and waived a formal hearing of her case.

n. On 20 April 2022:

(1) Headquarters, U.S. Army Physical Disability Agency published Order Number D 110-27, which retired the applicant because of permanent physical disability, effective 20 May 2022, and placed her on the Permanent Disability Retired List (PDRL), effective 21 May 2022.

(2) NGB Form 22 shows the applicant was released from the Army National Guard and was transferred to the PDRL, Fort Knox, KY (Retired Reserve).

3. In support of her request the applicant provides, in pertinent part:

a. A supporting documents list showing the documents she provided with her application to the Board.

b. NGB, Chief Personnel Division Memorandum – Subject: Line of Duty Determination [Application], dated 27 October 2020, which states, the applicant's Lower Back Strain, Right Hip Strain and Bilateral Knee Patellar Tendinitis that occurred during Operation Enduring Freedom (Spartan Shield) was approved "IN LINE OF DUTY".

c. North Carolina National Guard, Adjutant General Memorandum – Subject: Request to Expedite Army Board for Corrections of Military Records (ABCMR) in the

Restoration of Medical Benefits, Pay and Allowances, dated 26 February 2024, wherein The Adjutant General states, in part:

(1) Request to expedite ABCMR action in the restoration of medical benefits, pay and allowances for Service Members of the North Carolina Army National Guard who mobilized with the 30th Armored Brigade Combat Team in support of Operation Enduring Freedom (Spartan Shield).

(2) Upon release from active duty (REFRAD), several service members experienced a break in service in their active-duty orders, which resulted in a lapse of medical care and suspension of pay and allowances. This created severe hardship and duress to the service members and their families, due to incurring out of pocket costs for medical care, coupled with loss of pay and benefits. In some cases, medical care was not provided at all. Regardless of the mechanism of failure, it is inappropriate for the service members and their families to bear the brunt of inadequate planning and administrative shortfalls from either human or human resources systems errors.

d. A screenshot of published orders issued to the applicant and shows a gap of 62 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 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 request, available military records and National Guard Bureau memorandum, the Board concurred with the advising official recommendation for approval finding the applicant was ordered to active duty for 60 days to participate in the Reserve Component Managed Care-Mobilization for Managed Medical Care (mobilization), with a report date of 26 January 2021. The Board agreed there is sufficient evidence to support the applicant's contentions for active duty bridging orders from 11 November 2020 through 25 January 2021 while participating in MRP-E (Medical Retention Processing-Evaluation).

2. The Board noted the applicant's DD form 214 for the period ending 24 November 2020 should be corrected to show continuous service through 25 January 2021. Based on the National Guard Bureau opine and evidence found in the applicant's record, the Board granted relief to correct the records with bridging orders.

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:

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 issuing:

- bridging” orders published for the period “11 November 2020 through 25 January 2021”
- DD Form 214 for the period ending on 24 November 2020 to show continuous service through 25 January 2021

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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. Army Regulation (AR) 635-8 (Separation Processing) provides that 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 REFRAD, retirement, or discharge. When separation is ordered, the separation approval documents must be present for transition processing to occur. Source documents, as listed below, must be present in a Soldier's record in order to complete the DD Form 214. Source documents will consist of:

- Service Member's Record Brief
- Separation approval documents
- Separation order
- Any other document authorized for filing in the Army Military Human Resources Record

DD Form 214, Item 12b (Separation Date This Period) will contain the Soldier's transition date. This date may not be the contractual date if the Soldier was separated early, voluntarily extends, is extended to make up lost time, or is retained on active duty for the convenience of the Government.

2. AR 600-8-105 (Military Orders) provides that orders are published to order individuals onto active duty or change the status of military personnel on active duty. Only the organization that published the original order may amend, rescind, or revoke the order. When there is no evidence of fraud or obvious error and the Soldier received actual or constructive delivery, orders discharging a Soldier from the service will not be revoked after the effective date of discharge unless the revocation is a written confirmation of verbal orders issued before the effective date of discharge. An order may be corrected by the organization that published the original order to show the true state of affairs existing at the time the original order was published. Orders may only be changed to reflect facts that existed when the original order was published.

3. AR 15-185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. In pertinent part, the regulation states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. It will decide cases based on the evidence of record and the ABCMR is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. Paragraph 2-11 states that 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.

//NOTHING FOLLOWS//