

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 November 2024

DOCKET NUMBER: AR20240003897

APPLICANT REQUESTS: correction of his retirement DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his entry date as 19 December 1975 vice 19 December 1977.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4 (Enlistment or Reenlistment Agreement), 19 December 1975
- DD Form 214, 19 December 1977 to 15 October 1992

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 his DD Form 214 reflects an incorrect entry date. He deserves to be recognized for all his military service.
3. Review of the applicant's service records shows:
 - a. The applicant enlisted in the U.S. Army Reserve under the Delayed Entry Program (DEP) on 19 December 1975.
 - b. He was discharged from the DEP and enlisted in the Regular Army (active duty) for 3 years on 30 December 1975.
 - c. He was honorably discharged from active duty on 18 December 1977, for the purpose of immediate reenlistment in the RA. He was issued a DD Form 214 (Report of Separation from Active Duty) that shows his date of entry on active duty as 30 December 1975 and his date of separation as 18 December 1977, and credited him with 1 year, 11 months, and 19 days.

d. He immediately reenlisted in the RA for 6 years on 19 December 1977. He followed that with other immediate reenlistments on 10 November 1983 and on 6 July 1989.

e. He was honorably discharged on 15 October 1992. He completed 14 years, 9 months, and 7 days of active service during this period and 1 year, 11 months, and 19 days of prior active service, for a total of 16 years, 9 months, and 16 days. The DD Form 214 he was issued at retirement shows in:

- Item 12a (Date Entered Active Duty (AD) This Period), 1977-12-19
- Item 12b (Separation Date This Period), 1992-10-15
- Item 12c (Net Active Service This Period), 14-09-27
- Item 12d (Total Prior Active Service), 01-11-19

4. By regulation (AR 635-5), 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 release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. Chapter 2 states 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
- Item 12b, enter the Soldier's transition/separation date
- Item 12c, enter the amount of service this period, computed by subtracting item 12a from 12b (less time lost)
- Item 12d, enter the total amount of prior active military service less time lost

5. AR 635-5, effective 1 October 1979, was revised. Paragraph 1-4b(5) stated the DD Form 214 will not be prepared for enlisted members discharged for immediate reenlistment in the Regular Army.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief partial 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 petition and available military record, the Board the applicant's record is void of evidence that he served on active duty for any longer than indicated on his DD Form 214 for the period ending 15 October 1992. Evidence in the records show the applicant was enlisted in the U.S. Army Reserve

under the Delayed Entry Program (DEP) on 19 December 1975 and enlisted in the Regular Army (active duty) for 3 years on 30 December 1975. The Board found the 10 days of time in the delayed entry program were not properly reflected on the applicant's DD Form 214 in item 12 (e) (Prior Inactive Service). Therefore, the Board granted partial relief to correct his records.

The Board wishes to point out to the applicant that this is the applicant's SECOND issued DD Form 214, and it properly annotates the total prior active service in 12d. With the current entry in 12d and the 10 days of inactive service added as a result of this board action, the requested time is properly accounted for on the applicant's DD Form 214.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by to amend the applicant's DD Form 214 for the period ending 15 October 1992 to show in item 12 (e) (Prior Inactive Service): 00 years 00 months and 10 days.
2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to correction of his retirement DD Form 214 to show his entry date as 19 December 1975 vice 19 December 1977.

//SIGNED//

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 635-5 (Separation Documents), in effect at the time, prescribed the separation documents that must be prepared for Soldiers upon 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. 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 release from active duty, retirement, or discharge.
 - a. Issuance or reissuance of DD Form 214. Do not reissue the DD Form 214, once issued, except when:
 - Directed by proper appellate authority. Executive Order, or by the Secretary of the Army.
 - It is determined that the corrections to be made will not fit within the correction block of a single DD Form 215.

- Two DD Forms 215 have been issued and an additional correction is required.
- The character of service, item 24, is to be changed.

b. Do not reissue 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. Effective 1 October 1979 was revised. Paragraph 1-4b(5) stated the DD Form 214 will not be prepared for enlisted members discharged for immediate reenlistment in the Regular Army.

d. The information entered thereon reflects the conditions as they existed at the time of separation. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214. The specific instructions 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
- Item 12b, enter the Soldier's transition/separation date
- Item 12c, enter the amount of service this period, computed by subtracting item 12a from 12b (less time lost)
- Item 12d, enter the total amount of prior active military service less time lost

//NOTHING FOLLOWS//