

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 December 2024

DOCKET NUMBER: AR20240004159

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), effective 30 June 1994, to combine his time in the U.S. (USAR) and Regular Army (RA).

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

- DD Form 149 (Application for Correction of Military Record)
- SF 180 (Request Pertaining to Military Records)
- Email correspondence, 28 November – 2 December 2022
- DA Form 5016 (Chronological Statement of Retirement Points)
- Military Service Timeline
- Defense Finance and Accounting Service (DFAS) Records Request
- Email correspondence, 29 July 2024
- National Personnel Records Center (NPRC) correspondence
- Four DD Forms 214; effective 9 September 1963, 4 August 1967, 29 September 1971, and 30 June 1994
- Two Certifications of Military Service

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 is requesting correction of his DD Form 214 to show his total time served.
3. A review of the applicant's service record shows:
 - a. He enlisted in the USAR on 21 February 1963 for a period of 6 years and was ordered to active duty for training on 10 March 1963.

b. On 9 September 1963, he was honorably released from active duty for training and transferred to his USAR unit. His DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) shows he completed 6 months of net service this period, and 19 days of other service.

c. On 5 June 1964, he enlisted in the RA for a term of 3 years.

d. On 4 August 1967, he was honorably discharged for immediate reenlistment. His DD Form 214 shows he completed 3 years and 2 months of net service this period. Additionally, it shows he was credited with 1 year, 3 months, and 14 days of other service, totaling 4 years, 5 months, and 14 days of service.

e. On 5 August 1967, he reenlisted in the RA for a term of 4 years.

f. On 29 September 1971, he was honorably discharged for immediate reenlistment. DD Form 214 shows he completed 4 years, 10 months, and 25 days of net active service (this should reflect 4 years, 1 month, and 25 days) with 4 years, 5 months, and 14 days of other service, totaling 9 years, 4 months, and 9 days of service.

g. On 30 September 1971, a partial DD Form 4 shows he reenlisted in the RA.

h. Letter Orders Number A-12-71 issued by Headquarters, First United States Army on 20 December 1972, ordered the applicant to active duty as a reserve officer (Warrant Officer One (WO1)), with an effective date of 29 December 1972 for a term of 36 months.

i. The applicant's record contains 3 DA Forms 71 (Oath of Office – Military Personnel) that show he executed an oath of office as:

- Reserve Warrant Officer, WO1; 9 January 1973
- Regular Army Warrant Officer, WO1; 6 October 1975
- Regular Army Warrant Officer; CW4; 23 April 1987

j. On 30 June 1994, he was honorably retired from active duty. His DD Form 214 shows in:

- Item 12c (Net Active Service this Period): 21 years, 5 months, and 22 days
- Item 12d (Total Prior Active Service): 9 years, 1 month, and 4 days
- Item 12e (Total Prior Inactive Service): 9 months and 14 days

4. The applicant provides:

a. SF 180 dated 16 November 2021, that requests his USAR time be added to his active duty time, as DFAS calculates 1 year, 4 months, and 10 days of service.

b. Email correspondence between the applicant and the ABCMR between 28 November 2022 and 2 December 2022, that discusses why the applicant's request was not boarded.

c. DA Form 5016 dated 18 January 2024 that shows he received 15 membership points and 184 active duty points from 21 February 1963 to 20 February 1964, and 4 membership points from 21 February 1964 until 4 June 1964.

d. A summary of the applicant's service time while serving in the USAR and Regular Army.

e. DFAS Records Request form, in which the applicant requests Leave and Earnings (LES) statements from March 1963 to June 1964.

f. Email correspondence dated 29 July 2024 wherein the applicant inquires whether the ABCMR had a copy of information pertaining to his LES.

g. A letter to the applicant from NPRC, dated 18 July 2024, that provides him with copies of Reports of Separation and NA Forms 13038 (Certification of Military Service).

5. On 15 October 2024, in the processing of this case an advisory opinion was obtained from the U.S. Army Human Resources Command, Chief, Army Service Center, that opined "after recalculation of service time for the applicant, we recommend correcting the DD Form 214 dated 30 June 1964 [sic] – block 12d to 9 years, 0 months, and 1 day and block 12e to 0 years, 10 months, and 0 days."

6. On 18 October 2024, the applicant's case was placed on hold for seven days and he was provided a copy of the advisory opinion and afforded an opportunity to respond. The applicant did not provide a response.

7. The applicant's available service record does not contain, nor does he provide, a DD Form 214 or statement of service for the period 30 September 1971 and 8 January 1973.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the findings and recommendations outlined in the HRC advisory opinion and the lack of rebuttal of those findings and recommendations, the Board concluded there was sufficient evidence to correct the applicant's DD Form 214, dated 30 June 1964 to reflect:

- Block 12d: 9 years, 0 months, 1 day(s)
- Block 12e: 0 years, 10 months, 0 day(s)

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
■	■	■	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 Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 30 June 1964, by showing:

- Block 12d: 9 years, 0 months, 1 day(s)
- Block 12e: 0 years, 10 months, 0 day(s)

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 any other relief not reflected above.



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, USC, 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) 15-185 (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 it is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. AR 635-5 (Separation Documents), in effect at the time, states the DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active 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.

a. For item 12d, enter total amount of prior active military service, less lost time, if any. If there was no prior active service, enter 00 00 00.

b. For item 12e, all service entered will be less lost time if any.

//NOTHING FOLLOWS//