

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 November 2024

DOCKET NUMBER: AR20240004182

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show in:

- Item 12a. (Date Entered Active Duty this Period): 2 September 1970
- Item 12c. (Net Active Service this Period): 24 years and 28 days

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

- DD Form 149 (Application for Correction of Military Record)
- SSS Form 252 (Order to Report for Induction), 17 August 1970
- Two DD Forms 214, for the period ending 8 September 1970 and 30 September 1994
- DA Form 2A (Personnel Qualification Record)
- Department of Veterans Affairs (VA) – Rating Decision, 6 January 2024

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 for the period ending on 30 September 1970 is incorrect because it does not accurately reflect the date that he was inducted into the Army (2 September 1970) nor his completion of 24 years and 28 days of net active service. He notes that his current DD Form 214 is confusing to outside agencies because it does not reflect his service during the Vietnam War nor many of the service schools that he completed.
3. A review of the applicant's service record shows:
 - a. On 2 September 1970, the applicant was inducted into the Armed Forces.

b. On 8 September 1970, the applicant was released and subsequently enlisted into the Regular Army on 9 September 1970.

c. On 17 September 1993, Headquarters Fort McPherson issued Orders Number 260-00206, reassigning the applicant to the transition point pending retirement on 30 September 1994.

d. On 30 September 1994, the applicant was honorably retired from military service and transferred into the U.S. Army Reserve Control Group (Retired Reserve). DD Form 214 reflects the following:

- Item 12a (Date Entered Active Duty this Period) – 28 May 1975
- Item 12c (Net Active Service this Period) – 19 years, 4 months, and 3 days
- Item 12d (Total Prior Active Service) – 4 years, 8 months, and 26 days
- Item 12e (Total Prior Inactive Service) – 0000 00 00

The applicant's total combined active-duty service (adding item 12c. and 12d.) totals 24 years and 29 days.

e. The applicant's record is void of a DD Form 214 for the period 9 September 1970 through 27 May 1975.

4. The applicant provides:

a. SSS Form 252 dated 17 August 1970, reflective of the applicant being ordered for induction into the Armed Forces on 2 September 1970.

b. DD Form 214 ending on 8 September 1970, reflective of the applicant's active-duty service in the Army of the U.S. from 2 – 8 September 1970 (7 days); the applicant was honorably released for immediate enlistment in the Regular Army.

c. DA Form 2A reflective of the applicant's pertinent administrative information to include a Pay Entry Basic Date/Basic Active Service Date of 2 September 1970.

d. Department of Veterans Affairs – Rating Decision dated 6 January 2024, reflective of information provided to the applicant pertaining to his disabling conditions and the ratings assigned to them. In the introduction, the applicant was advised that his records reflect his service in the Army from 28 May 1975 – 30 September 1994.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, 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 review based on law, policy, and regulation. Upon review of the applicant's petition and available military records, the Board determined the applicant entered active duty on 2 September 1970 and was honorably retired on 30 September 1994. Although the applicant's record is void a DD Form 214 for the period 9 September 1970 through 27 May 1975, the Board determined his DD Form 214 accurately reflects his combined active duty service in items 12c (Net Active Service This Period) and 12d (Total Prior Active Service). The Board noted the DD Form 214 is a summary of continuous active duty and provides a record of all active and prior active service at the time of release. Therefore, the Board denied relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

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.

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) 635-5 (Personnel Separations – Separation Documents) provides policies and procedures regarding separation documents. The DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clearcut record of active-duty service at the time of release from active duty, retirement, or discharge. The DD Form 214 is not intended to have any legal effect on termination of a Soldier's service. DD Form 214, Item 12a. (Date Entered Active Duty this Period) will contain 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 12d. (Total Prior Active Service) will contain the total amount of prior active military service less lost on previously issued DD Forms 214. Item 18 (Remarks) for enlisted Soldiers with more than one enlistment period during the time covered by this DD Form 214, will reflect "Immediate Reenlistments this Period" (specify dates). However, for Soldiers who have previously reenlisted without being issued a DD Form 214 and are separated with any characterization of service except "Honorable," enter "Continuous Honorable Active Service From" (first day of service which DD Form 214 was not issued) until (date before commencement of current enlistment). Then, enter the specific periods of reenlistments as prescribed above.

//NOTHING FOLLOWS//