

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 November 2024

DOCKET NUMBER: AR20240004255

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show all of his active service.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

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 his original date of enlistment was 15 April 1968 and terminated on 22 January 1980. A new date of active duty began on 22 January 1980 and ended on 30 September 1991. He does not want to be shortchanged his dates of active service.
3. The applicant enlisted in the Regular Army on 15 April 1968. He was honorably discharged on 2 June 1970 for immediate reenlistment. A DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) is not available.
4. He immediately reenlisted on 3 June 1970 and was honorably discharged on 22 April 1976 for immediate reenlistment. He was issued a DD Form 214 (Report of Separation from Active Duty) that credited him with 5 years, 10 months, and 20 days of active service this period as well as 2 years, 1 month, and 18 days of prior active service.
5. He immediately reenlisted on 23 April 1976 and was honorably discharged on 22 January 1979 for immediate reenlistment. He was issued a DD Form 214 (Report of Separation from Active Duty) for this period of service. This DD Form 214 is illegible when scanned.
6. He immediately reenlisted on 23 January 1979 and he was honorably discharged on 21 January 1980, and ordered to active duty as a warrant officer. He was issued a

DD Form 214 (Certificate of Release or Discharge from Active Duty) for this period of service that credited him with 11 months and 29 days of active service this period as well as 10 years, 9 months, and 8 days of prior active service.

7. He was appointed a warrant officer with concurrent call to active duty on 22 January 1980. He ultimately retired on 30 September 1991 and placed on the retired list in the rank of chief warrant officer three on 1 October 1991. He was issued a DD Form 214 (Certificate of Release or Discharge from Active Duty) for this period of service that credited him with 11 years, 8 months, and 9 days of active service this period as well as 11 years, 9 months, and 7 days of prior active service, for a total of 23 years, 5 months, and 16 days of active service. His retirement DD Form 214 shows in:

- Item 12a (Date Entered Active Duty (AD) This Period), 1980-01-22
- Item 12b (Separation Date This Period), 1991-09-30
- Item 12c (Net Active Service This Period), 11-08-09
- Item 12d (Total Prior Active Service), 11-9-7

8. By regulation (Army Regulation 635-5 (Separation Documents), 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 contains guidance on the preparation of the DD Form 214. It 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

9. 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.

10. AR 635-5 also states, 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. It further states to issue a separate DD Form 214 when an enlisted Soldier transitions into officer status.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The Board carefully considered the applicant's request, supporting documents, evidence in the records, and the applicant's statement and record of service. The Board noted the applicant's request for correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show all of his active service; however, determined, based on a preponderance of the evidence, a statement of service was more appropriate.

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 partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by issuing the applicant a Statement of Service for the period 15 April 1968 to 30 September 1991.
2. The Board further determined that 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 in excess of the 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. AR 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:
 - (1) Directed by proper appellate authority. Executive Order, or by the Secretary of the Army.
 - (2) It is determined that the corrections to be made will not fit within the correction block of a single DD Form 215.
 - (3) Two DD Forms 215 have been issued and an additional correction is required.
 - (4) 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 AR 635-5 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//