

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 February 2025

DOCKET NUMBER: AR20240004443

APPLICANT REQUESTS: in effect, correction of his record to show he was retired for length of service in lieu of being discharged under the Early Release Program with payment of the Special Separation Benefit.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Report of Separation from Active Duty), 14 December 1976
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 28 February 1994
- DD Form 215 (Correction to DD Form 214)
- Leave and Earnings Statements
- Letter, U.S. Army Human Resources Command (HRC), 3 April 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 final DD Form 214 incorrectly states the amount of time he served. He received a Special Separation Benefit upon discharge in 1994 and the funds were recouped by the Department of Veterans Affairs. He was not aware until this year that he might be eligible for retirement. As he began the process of application, it was discovered his DD Form 214 shows less time than he actually served. He was told by a retirement specialist at Fort Stewart that his records showed he served 19 years, 11 months, and 1 day. He entered the service on 14 February 1974 and was discharged on 28 February 1994 for a total of 20 years and 14 days. He has provided a DD Form 215 issued by HRC that corrected his total time served.
3. On 15 February 1974, the applicant enlisted in the Regular Army. On 14 December 1976, he was honorably discharged for immediate reenlistment, and he reenlisted the

following day. The DD Form 214 issued at that time shows he had completed 2 years and 10 months of service.

4. He continued his service through reenlistments, and on 28 February 1994, he was honorably discharged under the Early Release Program. He was paid the Special Separation Benefit in the amount of \$31,599.35.

5. The DD Form 214 he was issued upon discharge shows in:

- Item 12c (Net Active Service This Period) – 17 years, 1 month, and 1 day
- Item 12d (Total Prior Active Service) – 2 years and 10 months

6. On 26 March 2024, a Human Resources Specialist at HRC completed a DD Form 215 correcting the applicant's DD Form 214 for the period ending 28 February 1994 by amending item 12c to show 17 years, 2 months, and 17 days. With the correction, the applicant's total service is shown as 20 years and 17 days.

7. In a letter to the applicant's Congressman dated 3 April 2024, the Chief, Army Service Center, HRC, advised the Congressman that a review of the applicant's records revealed an error on his DD Form 214 for the period ending 28 February 1994, and the enclosed DD Form 215 corrected the DD Form 214. The correction gave him over 20 years of active Federal service. The author of the letter advised that his office was not authorized to grant a retirement, and he advised the applicant to apply to the ABCMR.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found 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 petition, available military records, the Board determined Human Resources Command corrected the applicant's record by amending item 12c on his DD Form 214 to show his total service as 20 years and 17 days. The Board noted a DD Form 215 issued by the U.S. Army Human Resources Command on 26 March 2024 corrected his record to show 20 years and 17 days of active Federal service. This correction was confirmed in a letter from the Chief, Army Service Center, HRC, dated 3 April 2024. Based on the verified total service exceeding 20 years, the Board agreed the applicant met the criteria for retirement based on length of service at the time of separation. Therefore, the Board granted relief for correction of his military records to show he was retired for length of service in lieu of discharge under the Early Release Program, with entitlement to all associated benefits.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XXX	XXX	XXX	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 to show the applicant was retired for length of service in lieu of discharge under the Early Release Program, with entitlement to all associated benefits.

X //SIGNED//

CHAIRPERSON

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. United States Code provides that Soldiers may retire for length of service when they have completed 20 years of active-duty service.

3. The Early Release Program was a voluntary incentive program implemented in the early 1990s to facilitate the military drawdown going on at that time. Special Separation Benefit payments received under this program would be recouped if a Soldier later became eligible to receive disability compensation from the Department of Veterans Affairs.

//NOTHING FOLLOWS//