

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 December 2024

DOCKET NUMBER: AR20240004484

APPLICANT REQUESTS: correction of his record to show he entered service on 6 September 1970 vice 9 June 1978.

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

- DD Form 149 (Application for Correction of Military Record)
- SF 600 (Chronological Record of Medical Care)
- DD Form 771 (Spectacles Prescription)

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 entered active duty on 6 September 1970 and served until 6 October 1990. He completed 20 years and 1 month of service.
3. A review of the applicant's official record shows the following:
  - a. On 5 August 1970, the applicant enlisted in the U.S. Army Reserve Delayed Entry Program.
  - b. On 18 September 1970, the applicant enlisted in the Regular Army.
  - c. On 7 September 1972, the applicant was discharged for immediate reenlistment in the Regular Army. His record is void of a DD Form 214 for this period of service.
  - d. On 8 September 1972, the applicant reenlisted in the Regular Army for a period of 6 years. He was honorably discharged on 8 June 1978 from active duty for immediate

reenlistment in the Regular Army. A DD Form 214 (Report of Separation from Active Duty) shows he completed 5 years, 9 months, and 1 day of net active service.

e. On 9 June 1978, the applicant reenlisted in the Regular Army and served until his length of service retirement.

f. On 30 September 1990, the applicant was honorably retired from active duty. The DD Form 214 issued at that time shows in:

- Item 12a (Date Entered Active Duty this Period) 9 June 1978
- Item 12b (Separation Date this Period) 30 September 1990
- Item 12c (Net Active Service this Period) 12 years, 3 months, and 22 days
- Item 12d (Total Prior Active Service) 7 years, 8 months, and 21 days

4. The applicant provides:

a. SF 600 showing he was seen at Fort Dix, NJ on 1 October 1970 as an active duty service member.

b. DD Form 771 showing on 23 September 1970 he had an eye examination completed on active duty.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.

2. The Board found the evidence confirms the applicant entered active duty on 18 September 1970, and he would have been issued a DD Form 214 when he was discharged for immediate reenlistment on 7 September 1972. Unfortunately, this DD Form 214 is not available. However, his second DD Form 214 for the period ending 8 June 1978 documents his prior active service from 18 September 1970 to 7 September 1972. Also, his final DD Form 214 documents all of his prior active service in block 12d. Based on this evidence, the Board determined there is no error in the documentation of the applicant's active duty service.

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.

12/8/2024

X

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, 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 (Separation Documents) in effect at the time dated 1 October 1979 ended the requirement to produce a DD Form 214 upon discharge for immediate reenlistment.
3. AR 635-8 (Separation Processing and Documents) states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clearcut record of all current active, prior active, and prior inactive duty service at

the time of release from active duty, retirement, or discharge. Block 12a; Date Entered Active Duty This Period. Data sources are enlistment contract(s), initial order to active duty, active duty order, previously issued DD Forms 214, DA Form 1506 (Statement of Service – For Computation of Length of Service for Pay Purposes), and a complete review of the Soldier's official record. 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. Prior to October 1979, a DD Form 214 was issued each time a Soldier was discharged for immediate reenlistment.

//NOTHING FOLLOWS//