

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 January 2025

DOCKET NUMBER: AR20240004602

APPLICANT REQUESTS: in effect, reconsideration of his previous requests for:

- issuance of a Notification of Eligibility for Retired Pay at Age 60 (15-Year letter)
- retirement pay retroactive to age 60

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

- Self-authored letter
- Letter, advisory opinion from Selective Service System
- Various pages from Army Board for Correction of Military Records (ABCMR) Record of Proceedings, Docket Number: AR20220009500

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the ABCMR in Docket Numbers AR1998006330, AR20160015116, and AR20220009500, on 3 June 1999, 31 May 2019, and 15 September 2023.

2. In a new argument, the applicant asks for clarification on the decision letter from his previous application. The ABCMR decision letter states his selective service record was reviewed, therefore he found it hard to believe his records show accurate military information. He was not the only one affected by his unit's realignment/reorganization. His letter from the Selective Service System dated 23 February 1999, should have been the corroborating evidence.

3. A review of the applicant's service record shows:

4. He was born on [REDACTED] He turned 60 in [REDACTED]

5. He was appointed as a Reserve commissioned officer on 15 May 1977. He entered active duty on 13 November 1977. He was promoted to captain on 21 June 1981.

6. He was honorably released from active duty on 14 July 1985 for failure to meet minimum standards of retention and was transferred to the U.S. Army Reserve (USAR) Control Group (Reinforcement). His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 7 years, 8 months, and 2 days of active service with 5 months and 28 days of prior inactive service.

7. On an unknown date, he was transferred to the Headquarters and Headquarters Company (HHC), 467th Engineer Battalion, Memphis, TN, a unit of the USAR.

8. On 3 April 1989, Orders Number 29-28, transferred the applicant from HHC, 467th Engineer Battalion, Memphis, TN to the USAR Control Group (Reinforcement), St. Louis, MO, effective 15 April 1989. He was promoted to major on 14 May 1989.

9. On 15 April 1989, the applicant was assigned to the Selective Service System Reserve Officer Force. The Selective Service System is an independent agency of the U.S. government that maintains information on individuals potentially subject to military conscription (i.e., the draft).

10. On 12 December 1991, the applicant was notified that his records were reviewed by the Region Headquarters Selective Retention Board, conducted 4-7 November 1991. This board reviewed all records for Army officers in the grade of O-4 and evaluated each officer's demonstrated performance and future potential; As a result of the board's action, the applicant was not among those officers selected to remain with the Selective Service System as a fully paid reservist. He was given the option to drill for points only and advised that if he did, he may then remain in the Selective Service System until 29 February 1993 or until completion of 20 good years of service, whichever came first.

11. He was released from the Selective Service System attachment and returned to the USAR Control Group, effective 18 March 1993. A DARP Form 249 (Chronological Statement of Retirement Points) dated 7 June 1993, shows he completed 15 years of qualifying service for retirement.

12. A memorandum, subject: Selected Reserve Transition Benefit (SRTB) Program, states that initial review of the applicant's records indicated that based on his involuntary transfer from the Selected Reserve, he may be eligible to participate in the SRTB Program under the provisions of the National Defense Authorization Act for Fiscal Year 1993, Public Law 102-484. Those benefits were separated into four categories depending upon creditable years of service. A minimum of 50 points for each full year of service was required. Final determination of his eligibility would be determined by the Transition Assistance Management Point. The four categories were as follows:

- less than 6 years of creditable service
- six or more, but less than 15 years of creditable service

- 15 or more, but less than 20 years of creditable service
- more than 20 years of creditable service

13. By addendum to DA Form 4187 (Personnel Action) with a fax date stamp of 12 January 1995, the applicant acknowledged that according to his DARP Form 249 and his personnel management officer/noncommissioned officer, he had at least 15 but less than 20 years of qualifying service, for non-regular (reserve) retirement. He understood that due to directed reductions and reallocations of positions within the Individual Mobilization Augmentee (IMA) program during the force reduction period, he had been involuntarily removed from the Selected Reserve program. He had been informed that he had three options available to him. He endorsed the addendum with his initials and requested assignment to/retention in, the Retired Reserve. By doing so he elected to receive benefits under the Selected Reserve Transition Benefits Program. Specifically, he would receive early qualification for Retired Pay at age 60 and "gray area" retirement benefits. He was aware that placement in the Retired Reserve was generally final, and he could not be placed back in an active reserve status without Secretary of the Army approval.

14. The available record is void of the applicant's DA Form 4187. Additionally, there is no evidence that explains the exact processing procedures followed in the submission of the applicant's SRTB packet. This includes no final determination in regard to the applicant's request.

15. Orders C-03-807954, issued by the USAR Command on 5 March 1998, reassigned the applicant from USAR Control Group (IMA) to the Retired Reserve, effective 26 February 1998.

16. The available record is void of a complete separation packet containing the specific facts and circumstances surrounding the applicant's discharge processing.

17. The applicant petitioned the ABCMR three times between May 2000 through September 2023, for consideration of his request for retirement. On 15 September 2023, the Board voted to deny relief and determined that the overall merits of his case were insufficient as a basis to amend the previous decisions of the ABCMR.

18. The applicant provides an advisory opinion from a colonel at the Selective Service System, dated 23 February 1999, which requests that the following information be considered by the ABCMR.

- the applicant was boarded on 12 December 1991
- a statement from selective board review states "It in no way reflects on your performance with or contributions to the Selective Service System"
- the applicant was in an IMA position

- he was a member of the Selected Reserve
- he was assigned on 15 April 1989
- he was removed because of reorganization/realignment; position was eliminated
- he furnished a copy of his retirement points to Ms. [REDACTED] in September 1998; the Board stated that there was no record of his service or retirement points

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, 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. The governing regulation provides that to be eligible for a 15-year retirement, a Soldier must be medically unfit because of physical disability or serving in a unit that was being downsized, deactivated, or relocated at the time the Soldier attained 15 years. Upon review of the applicant's petition and available military records, the Board found insufficient evidence to reverse the previous Board's determination and 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 amendment of the ABCMR decision rendered in Docket Numbers AR1998006330, AR20160015116, and AR20220009500, on 3 June 1999, 31 May 2019, and 15 September 2023.

4/8/2025

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, U.S. Code, Section 12731 (Age and Service Requirements), provides that a non-regular service member is entitled, upon application, to retired pay if the person is at least 60 years of age; has performed at least 20 years of qualifying service; and, having completed the service requirement during the period beginning on 1 October 1994 and ending on 30 September 1999, shall have performed the last 6 years of qualifying service while a member of a Reserve Component (RC).

2. Title 10. U.S. Code, Section 12731 (Temporary Special Retirement Qualification Authority) (a) (Retirement With At Least 15 Years of Service), states for the purposes of Section 12731 of this title, the Secretary concerned may (1) during the period described in subsection (b), determine to treat a member of the Selected Reserve of an RC of the Armed Force under the jurisdiction of that Secretary as having met the service requirements of subsection (a)(2) of that section and provide the member with the notification required by subsection (d) of that section if the member (A) as of 1 October 1991, has completed at least 15, and less than 20, years of service computed under Section 12732 of this title; or (b) after that date and before the end of the period described in subsection (b), completes 15 years of service computed under that section; and (2) upon the request of the member submitted to the Secretary, transfer the member to the Retired Reserve. The period referred to in subsection (a)(1) is the period beginning on 23 October 1992 and ending on 31 December 2001.

3. Army Regulation 15-185 (ABCMR) sets forth procedures for processing requests for the correction of military records. Paragraph 2-15a governs requests for reconsideration. This provision of the regulation allows an applicant to request reconsideration of an earlier decision of the ABCMR. The applicant must provide new relevant evidence or argument that was not considered at the time of the ABCMR's prior consideration.

4. The Selective Service System is an independent agency of the United States government that maintains information on individuals potentially subject to military conscription (i.e., the draft) and carries out contingency planning and preparations for two types of draft: a general draft based on registration lists of men, and a special skills draft based on professional licensing lists of workers in specified health care occupations. In the event of either type of draft, the Selective Service System would send out induction notices, deferments/exemptions, and assign draftees classifications. The agency is manned by full-time and part-time civilians, as well as a certain number of Reserve Force Officers (in peacetime), up several volunteers.

//NOTHING FOLLOWS//