

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 December 2024

DOCKET NUMBER: AR20240004876

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending on 28 April 2005 to reflect the following:

- item 12a (Date Entered Active Duty this Period) “31 July 1997” instead of “28 October 1994”
- item 12c (Net Active Service This Period) “7 years, 8 months, and 29 days” instead of “10 years, 6 months, and 1 day”

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, 25 March 1996
- DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the U.S.), 31 July 1997
- DD Form 214, 28 April 2005
- Orders Number 164-0003, 13 June 2014
- DD Form 214, 31 January 2015

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 the DD Form 214 for the period ending on 28 April 2005, is incorrect because it does not accurately reflect his entrance upon active duty date, or his net active service for this period. He contests that during this period, he enlisted on 31 July 1997, not 28 October 1994 as noted on this document. He further notes that given this adjustment he would have completed 7 years, 8 months, and 29 days of active service during this period.

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

a. On 5 March 1993, the applicant enlisted in the U.S. Army Reserve under the Delayed Entry Program (DEP) for 8 years.

b. On 23 June 1993, the applicant was released from the DEP and enlisted in the Regular Army for 3 years.

c. On or about 30 November 1995, the applicant requested early release from active duty in order to pursue his civilian education. The applicant's request was subsequently approved with a projected release date no later than 25 March 1996; current expiration term of service date – 22 June 1996. The applicant would be released from active duty and transferred into the U.S. Army Reserve (USAR) Control Group (Reinforcement).

d. On 25 March 1996, the applicant was honorably released from active duty and transferred into the USAR Control Group (Reinforcement). DD Form 214 for this period reflects the following:

- item 12a (Date Entered Active Duty this Period) – 23 June 1993
- item 12b (Separation Date this Period) – 25 March 1996
- item 12c (Net Active Service this Period) – 2 years, 9 months, and 3 days

e. On 31 July 1997, the applicant enlisted in the Regular Army.

f. On 3 February 2005, the applicant reenlisted indefinitely.

g. On 28 April 2005, the applicant was honorably released from active duty in accordance with Army Regulation (AR) 635-200 (Active Duty Enlisted Administrative Separations), Paragraph 16-1A (1) in order to accept appointment as a Warrant Officer. DD Form 214 for this period reflects the following:

- item 12a (Date Entered Active Duty this Period) – 28 October 1994
- item 12b (Separation Date this Period) – 28 April 2005
- item 12c (Net Active Service this Period) – 10 years, 6 months, and 1 day
- item 12d (Total Prior Active Service) – 0000 years 00 months 00 days
- item 12e (Total Prior Inactive Service) – 0000 years 00 months 00 days

h. On 29 April 2005, the applicant was appointed as a commissioned Warrant Officer and reentered active duty.

i. On 31 January 2015, the applicant was retired from active duty. DD Form 214 for this period shows:

- item 12a (Date Entered Active Duty this Period) – 29 April 2005

- item 12b (Separation Date this Period) – 31 January 2015
- item 12c (Net Active Service this Period) – 9 years, 9 months, and 2 days
- item 12d (Total Prior Active Service) – 10 years, 6 months, and 1 day
- item 12e (Total Prior Inactive Service) – 1 year, 4 months, and 5 days

4. The applicant's DA Form 5016 (Chronological Statement of Retirement Points), dated 11 December 2024 reflects that the applicant served in the USAR from 25 March 1996 – 4 March 1997 (Enlisted) and 5 March 2014 – 31 January 2015 (Warrant). The applicant's records are void of evidence of separation orders associated with these periods of service.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was 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 evidence of record shows the applicant enlisted in the Regular Army on 31 July 1997. The Board noted his DD Forms 214 overlap each other and should be amended to correct the inaccuracy. Therefore, his DD Forms 214 will be corrected to show his date entered active duty date as 31 July 1997 instead of 28 October 1994 and his net active service this period as 7 years, 8 months, and 29 days instead of 10 years, 6 months, and 1 day.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	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 by amending his DD Form 214, for the period ending 31 January 2015 to show in:

- item 12a (Date Entered Active This Period): 31 July 1997
- item 12c (Net Active Service This Period): 7 years, 8 months, and 29 days

3/25/2025

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, 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) provides that the DD Form 214 will reflect the conditions and circumstances that existed at the time the records were created. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form be complete and accurate and reflects the conditions as they existed at the time of separation. Personnel officers will prepare and authenticate DD Form 214 prior to forwarding records to the transfer facility. All available records will be used as a basis for the preparation of DD Form 214, including DA Form 2-1 (Personnel Qualification Record), Officer Qualification Record, and orders.

a. Item 12a. (Date Entered Active Duty this Period) will reflect the beginning date of the continuous period of active duty (AD) for issuance of this DD Form 214, for which a DD Form 214 was not previously issued.

b. Item 12b. (Separation Date this Period) will reflect the Soldier's transition date. This date may not be the contractual date if Soldier is separated early, voluntarily extends, or is extended for make-up of lost time, or retained on active duty for the convenience of the Government.

c. Item 12c. (Net Active Service this Period) will reflect the amount of service this period, computed by subtracting item 12a from 12b. Lost time under 10 USC 972 and non-creditable time after expiration term of service, if any, are deducted.

d. Item 12d. (Total Prior Active Service) will reflect the total amount of prior active military service less lost time, if any.

e. Item 12e. (Total Prior Inactive Service) will reflect the total amount of prior inactive service, less lost time, if any. Delayed Entry Program time that began on or after 1 January 1985 is not creditable service for pay purposes and will not be entered in this block.

//NOTHING FOLLOWS//