

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 January 2025

DOCKET NUMBER: AR20240004916

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 31 August 1996 by:

- Changing block 12a (Date Entered Active Duty This Period) to read 13 August 1974 vice 20 June 1979
- Changing block 19b (Nearest Relative) to read Ci- N- vice Co- N-
- Personal appearance before the Board via video/telephone

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

- DD Forms 149 (Application for Correction of Military Record)
- DD Form 214 (Report of Separation and Record of Service)
- DD Form 4 (Enlistment Contract - Armed Forces of the United States)
- Marriage Certificate
- DA Form 2A (Personnel Qualification Record)
- Page from DA Form 2-1 (Personnel Qualification Record)

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, the date he entered active duty is wrong and his nearest relative should be his wife, not his mother.
3. The applicant provides the following documents:
  - a. Marriage Certificate shows he married Ci- N- on 18 July 1992.
  - b. DA Form 2A (Personnel Qualification Record) shows his pay entry basic date and basic active service date as 13 August 1974.

c. Page from DA Form 2-1 (Personnel Qualification Record) shows his enlistment date as 13 August 1974. He had an honorable discharge on 9 July 1979.

4. The applicant's service record contains the following documents:

a. DD Form 4 (Enlistment Contract - Armed Forces of the United States) shows he enlisted in the Regular Army on 13 August 1974.

b. DD Form 214 (Report of Separation from Active Duty) shows he entered active duty on 13 August 1974 and was honorably discharged for immediate reenlistment on 18 May 1976. He had completed 1 year, 9 months, and 6 days of active service this period.

c. DD Form 4 (Enlistment Contract - Armed Forces of the United States) shows he had an immediate reenlistment in the Regular Army on 19 May 1976.

d. Orders 135-179, published by U.S. Army Aberdeen Proving Ground, 13 July 1979 honorably discharged him effective 19 July 1979 and reassigned him upon his immediate reenlistment effective 20 July 1979. His service record is void of a DD Form 4 (Enlistment Contract - Armed Forces of the United States showing his immediate reenlistment on 20 July 1979 and does not contain a DD Form 214 (Report of Separation from Active Duty) for the period of 19 May 1976 through 19 July 1979 (3 years, 1 month, and 23 days).

e. Certification of Military Service shows he had honorable service in the Regular Army from 19 May 1976 through 19 June 1979.

f. DD Form 4 (Enlistment/Reenlistment Document - Armed Forces of the United States) shows he had an immediate reenlistment in the Regular Army on 27 May 1982.

g. Orders 77-502, published by Headquarters, I Corps and Fort Lewis, 17 April 1985 show he was honorably discharged him effective 29 April 1985 and reassigned upon his immediate reenlistment effective 30 April 1985. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows his immediate reenlistment in the Regular Army effective 30 April 1985. He remained in the Regular Army through immediate reenlistments.

h. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he entered active duty on 20 June 1979 and was honorably retired on 31 August 1996. He had completed 17 years, 2 months, and 11 days of active-duty service this period with 4 years, 10 months, and 7 days of prior active-duty service. Item 19b (Nearest Relative) shows Co- N-. Additionally, since this document already shows his prior service of 4 years, 10 months and 7 days, which would bring his original entry date to 13 August

1974, there is nothing further to correct. Therefore, this issue will not be discussed further in these proceedings.

i. A review of the applicant's service record contains sufficient evidence to support administrative corrections that are not annotated on his DD Form 214 for the period ending 31 August 1996. These omissions will be added to his DD Form 214 as administrative corrections and will not be considered by the Board.

5. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

#### BOARD DISCUSSION:

1. 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 and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board acknowledged that the applicant initially enlisted in the Regular Army on 13 August 1974 and that his DD Form 214 for the period ending 31 August 1996 already reflects 4 years, 10 months, and 7 days of prior active service, which corresponds to his earlier service. Therefore, the DD Form 214 accurately accounts for his total active-duty service, and no correction is warranted.

2. The Board noted, the applicant's contentions regarding changing block 19b (Nearest Relative) from his mother to his current spouse. The Board further acknowledged the applicant's marriage certificate showing he was married on 18 July 1992. However, per regulatory guidance the DD Form 214 reflects the information that was current and on record at the time of his retirement on 31 August 1996. The Board noted that the DD Form 214 is a historical document that captures data as it existed at the time of separation. The Board found no evidence in the record to show that the applicant requested an update to his emergency contact or nearest relative prior to separation. As such, the DD Form 214 accurately reflects the information available at the time of issuance, and the Board found no basis to amend this entry retroactively. Therefore, the Board denied relief for all corrections.

3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to

render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XXX	XXX	XXX	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, the Board found 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.

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.

ADMINISTRATIVE NOTES:

A review of the applicant's records shows he is authorized additional awards not annotated on his DD Form 214 for the period ending 31 August 1996. As a result, amend his DD Form 214 by adding: Korea Defense Service Medal

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. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.
3. Army Regulation 635-5 (Separation Documents), effective October 15, 1973, prescribed the separation documents that were prepared for individuals upon retirement, discharge, or release from active military service. The instructions stated a DD Form 214 would be prepared for each member who, while serving on active duty, changed status or component, and remained on active duty in the new status (e.g., reenlisted).
4. Army Regulation 635-5 (Separation Documents), effective October 1, 1979, stated a DD Form 214 would no longer be prepared for enlisted members discharged for immediate reenlistment in the Regular Army. The instructions for item 12a (Date Entered Active Duty This Period) stated to enter the date of the first day of the last immediate reenlistment for which a DD Form 214 was not issued.
5. Army Regulation 635-5 (Separation Documents), in effect at the time of the applicant's retirement, establishes the standardized policy for preparing and distributing the DD Form 214. The regulation provides that 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. Item 19b (Nearest Relative) states: Advise a soldier that the name and address of a relative should be someone who will know their location and address at all times. When a relative is not available, use a close friend. When the person is at the same address as 19a, enter "(NAME) and ADDRESS SAME AS BLOCK 19a.

//NOTHING FOLLOWS//