

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 December 2024

DOCKET NUMBER: AR20240004920

APPLICANT REQUESTS: in effect, requests the issuance of a DD Form 214 (Report of Separation from Active Duty) for the period of the Service Member's (SM) service for 27 August 1976 through 27 February 1979.

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

- DD Form 149 (Application for Correction of Military Record)
- SM's DD Form 214 (Certificate of Release or Discharge from Active Duty) for period of service 28 February 1979 through 31 August 1994
- Headquarters (HQ), 4th Personnel Service Company, Memorandum, Subject: Statement of Service
- State of South Carolina (SC) License and Certificate for Marriage
- State of Colorado (CO) Certification of Vital Record Certificate of Death
- SM's DA Form 2A (Personnel Qualification Record)
- U.S. Total Army Personnel Command Verification of Military Experience and Training
- State of CO Statutory Form Power of Attorney

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 she requests the correction of the SM's, (her deceased husband) DD Form 214 for the period of service of 28 February 1979 through 31 August 1994 to reflect he entered active duty on 27 August 1976. The SM was provided a statement of service at the time of his retirement which had shown his service began on 27 August 1976. The error on the DD Form 214 was not noticed.
3. A review of the SM's service record shows:

a. On 23 August 1976, the SM enlisted in the U.S. Army Reserve (USAR) Delayed Entry Program. On 27 August 1976, the SM enlisted in the Regular Army (RA) for a period of 3-years.

b. DA Form 2-1 (Personnel Qualification Record) shows in:

- Item 5 (Oversea Service): Korea for 12-months during the period of 28 May 1991 through 27 May 1992
- Item 20 (Basic Enlisted Service Date): 23 August 1976
- Item 35 (Record of Assignments): USAR for 4-days during the period of 23 through 26 August 1976 and enlistment on 27 August 1976

c. DA Form 2A shows in Section IV (Service Data) the SM's: pay entry base date was 23 August 1976 and his basic active service date was 27 August 1976.

d. The SM service record was void of a DD Form 214 or discharge/enlistment orders for this period of service. However, he was discharged on 27 February 1979 for immediate reenlistment. He completed 2 years, 6 months, and 1 day of active service. He was not issued a DD Form 214 because in 1979, the Army was phasing out issuance of a separate DD Form 214 for each period of enlistment or reenlistment.

e. On 28 February 1979, the SM reenlisted in the RA for 4-years and had continuous service through reenlistments and extensions until his voluntary early retirement. The SM had 18-years and 4-days for retirement and 18-years and 8-days for basic pay.

f. On 18 November 1993, Orders Number 322-0104, issued by HQs, 4th Infantry Division (Mechanized), the SM was released from active duty and placed on the Retired List, effective 1 September 1994.

g. On 31 August 1994, the SM was honorably retired. His DD Form 214 shows the SM completed 15-years, 6-months, and 3-days of active service. It also shows in item 12d (Total Prior Active Service): 2-years, 6-months, and 1-day for a total of 18-years and 4-days of active service.

4. The applicant provides:

a. HQ, 4 Personnel Service Company, 4 Infantry Division (Mechanized) Memorandum dated 3 May 1994, Subject: Statement of Service which stated the SM serviced in the U.S. Army for the period of 27 August 1976 to present for a total of 17-years, 8-months, and 7-days of service. His expiration of term of service was 24 February 1994 and he did not have any lost time.

b. State of SC License and Certificate for Marriage shows the applicant, and the SM were married on 20 July 1988.

c. State of CO Certification of Vital Record Certificate of Death shows the SM was reported deceased on 28 December 2023 and the applicant was listed as his wife.

d. U.S. Total Army Personnel Command Verification of Military Experience and Training provides a narrative explanation of job skills and experience the SM acquired while on active duty that may have application to employment in the private sector. The document was provided to all separating/retiring Soldiers who have served 180 consecutive days of active duty. The Army also provided the document to Soldiers who have separated/retired from active duty retroactive to 1 October 1990 when the federal mandate went into effect. The document is available for further review by the Board.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The Board carefully considered the applicant's request, supporting documents, and evidence in the records. The evidence shows the SM initially enlisted in the Regular Army on 27 August 1976. He was discharged on 27 February 1979 for immediate reenlistment. He completed 2 years, 6 months, and 1 day of active service. It is unclear if he was issued a DD Form 214 because in 1979, the Army was gradually phasing out issuance of a separate DD Form 214 for each period of enlistment or reenlistment. He then reenlisted on 28 February 1979 and served continuously through 31 August 1994. His retirement DD Form 214 credited him with 15 years, 6 months, and 3 days of active service as well as 2 years, 6 months, and 1 day of prior active service. The regulation that governs the issuance of the DD Form 214 states do not issue DD Form 214 to replace record copies or DD Forms 214 misplaced or lost by soldiers. If no DD Form 214 is available, issue a statement of service or transcript of military record. Therefore, the Board determined that while amending his existing DD Form 214 is not appropriate, the issuance of a Transcript of Service for his first enlistment is appropriate.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
█	█	█	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the correction addressed in Administrative Note(s) below, the Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by issuing the SM a Statement of Service for his active duty during the period 27 August 1976 through 27 February 1979.
2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to any relief in excess of that described above.

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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:

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period of service 28 February 1979 through 31 August 1994 by adding the Korea Defense Service Medal.

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.

- DD Form 214 period of service 28 February 1979 through 31 August 1994
- DA Form 2-1 (Personnel Qualification Record)
- Army Regulation 600-8-22 (Military Awards)

3. Please correct the applicant's DD Form 214 by adding the award shown in paragraph 1 above. Provide the applicant a copy of the corrections. Please ensure that the corrections are recorded in the applicant's official military personnel record.

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 (Personnel Separations – Separation Documents) in effect at the time, prescribes the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service.

a. Paragraph 1-4 (DD Form 214 (Report of Separation from Active Duty), a DD Form 214 will be prepared for all personnel except as indicated in b below at time of retirement, discharge, or release from the Active Army. However, DD Form 214 (original or copy) will not be issued to personnel unless requested by the separating member.

b. Paragraph 2-2 (Request/decline DD Form 214 and Optional Form (Narrative Reason for Separation), Individuals who are entitled to receive a DD Form 214 will be counseled regarding the importance of this document in accordance with appendix C, AR 635-10 and requested to indicate their desire to receive the original or a copy of DD Form 214.

3. AR 635-8 (Personnel Separations – Separation Processing and Documents), prescribes the transition processing function of the military personnel system. It provides principles of support, standards of service, policies, tasks, rules, and steps governing required actions in the field to support processing personnel for separation and preparation of separation documents.

a. Paragraph 1-6 (Army Review Boards Agency), the Army Board for Correction of Military Records and Army Discharge Review Board, under the Army Review Boards

Agency, are authorized to issue separation documents under the provisions of this regulation.

b. Paragraph 5-1 (When to prepare the DD Form 214), 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. DD Form 214 will be prepared for Soldiers in the Regular Army on termination of active duty because of administrative separation (including separation because of retirement or expiration term of service), physical disability separation, or punitive discharge resulting from a court-martial.

c. Paragraph 5-2 (When not to prepare a DD Form 214), a DD Form 214 will not be prepared for the following Soldiers:

- Personnel found disqualified upon reporting for active duty and who do not perform duties in accordance with orders
- Personnel whose active duty, active duty for training, full-time training duty, or active duty for special work is terminated by death
- Personnel being removed from the temporary disability retired list (TDRL).
- Personnel who terminate their RC status to integrate into the Regular Army
- Personnel separated or discharged who have been furnished a prior edition of the DD Form 214, unless that form needs reissuance for some other reason
- Soldiers discharged for immediate reenlistment in the RA
- Enlisted personnel who receive temporary appointments to warrant officer or commissioned officer grades
- Personnel whose temporary warrant or commissioned officer status is terminated and who remain on active duty to complete an enlistment

d. Paragraph 8-1c, on direction of the Army Board for Correction of Military Records or Army Discharge Review Board, or in other instances when appropriate, the following are authorized to issue or reissue DD Forms 214 and DD Forms 215:

- CG, HRC
- Chief, NGB
- ARNG State Adjutant General
- Deputy Assistant Secretary of the Army, Army Review Boards Agency

e. Paragraph 8-2 (Rules for reissuing DD Form 214), once a DD Form 214 has been issued, transition centers do not reissue except for the following reasons:

- When directed by appellate authority, executive order, or by the Secretary of the Army

- When it is determined that the original DD Form 214 cannot be properly corrected by issuance of a DD Form 215
- Activities listed in paragraph 8-1b and 8-1c may reissue DD Form 214 when circumstances listed in paragraph 8-4 apply

When a DD Form 214 is administratively reissued, enter that fact and the date of such action on the DD Form 214, block 18, unless the authority directing reissuance specifies otherwise. Do not issue DD Form 214 to replace copies or DD Forms 214 lost by the Soldier. If no DD Form 214 is available, issue DA Form 1569 (Transcript of Military Record).

//NOTHING FOLLOWS//