

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 December 2024

DOCKET NUMBER: AR20240005406

APPLICANT REQUESTS: correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show her:

- Character of service as honorable vice uncharacterized
- Grade as specialist/E-4 vice private/E-1

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4187 (Personnel Action), promotion to E-4
- Orders 149-027, 26 September 1991, separation orders

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 she is 100% P&T and having difficulties with benefits because her DD Form 214 does not show she was honorably discharged. She was also promoted to SPC/E-4 effective 22 July 1991.
3. The applicant enlisted in the U.S. Army Reserve for 8 years in the grade of private (PVT)/E-1 on 17 January 1990/
 - a. She entered active duty for training (ADT) on 31 July 1990. She completed training and was awarded military occupational specialty (MOS) 71L, Administrative Specialist.
 - b. She was released from ADT on 22 November 1990 to the control of her Reserve unit. Her DD Form 214 shows she completed 3 months and 22 days of active service. It also shows in:

- Blocks 4a (Grade, Rate or Rank) and 4b (Pay Grade) PVT/E-1
- Block 12h (Effective Date of Pay Grade) 17 January 1990
- Block 24 (Character of Service) Uncharacterized

4. After her release from active duty, she continued her service with her Reserve unit, Headquarters and Headquarters Company, 303rd Ordnance Group, Springfield, IL.

a. On 22 July 1991, her company commander signed a DA Form 4187 promoting her to SPC/E-4, in the Reserve, effective 22 July 1991.

b. On 26 September 1991, her higher headquarters, 86th U.S. Army Reserve Command published Orders 149 027 releasing her from her assignment (due to pregnancy), in grade SPC/E-4, and reassigning her to the U.S. Army Reserve Control Group (Annual-Training) effective 26 September 1991.

5. AR 635-8, paragraph 5-6 states: "When a RC Soldier successfully completes initial active duty training the character of service is Honorable unless directed otherwise by the separation approval authority."

6. AR 635-5, the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

- Blocks 4a, Grade, Rate or Rank, and 4b, Pay Grade, enter active-duty grade or rank and pay grade at time of separation.
- Block 12h, Effective Date of Pay Grade, from the most recent promotion order (or reduction instrument), enter the effective date of promotion to the current pay grade.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found partial relief is warranted.

2. Policy regarding the character of service for Reserve Component Soldiers completing MOS training changed after the applicant was released from active duty. Soldiers successfully completing MOS training now have their service characterized as honorable. As a matter of equity, the Board determined the applicant's DD Form 214 should be corrected to show her character of service as honorable.

3. Regarding the rank shown on her DD Form 214, she was promoted after the period covered by the DD Form 214 and there are no regulatory provisions for revising a DD Form 214 based on events that occur after the period covered by the DD Form 214. The Board determined the rank shown on her DD Form 214 is not an error.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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|---|---|---|----------------------|
| : | : | : | GRANT FULL RELIEF |
| ■ | ■ | ■ | GRANT PARTIAL RELIEF |
| : | : | : | GRANT FORMAL HEARING |
| : | : | : | DENY APPLICATION |

BOARD DETERMINATION/RECOMMENDATION:

1. 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 reissuing her DD Form 214 for the period ending 22 November 1990 to show her character of service as honorable.

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 the rank shown on her DD Form 214.

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, 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 635-5 (Separation Documents), in effect at the time, prescribed the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active-duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214. The general instructions stated all available records would be used as a basis for preparation of 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, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

- Blocks 4a, Grade, Rate or Rank, and 4b, Pay Grade, enter active-duty grade or rank and pay grade at time of separation.
- Block 12h, Effective Date of Pay Grade, from the most recent promotion order (or reduction instrument), enter the effective date of promotion to the current pay grade.

3. Army Regulation 635-8 (Separation Processing and Documents), currently in effect, prescribes policy and procedural guidance relating to transition management. Specifically, it references instruction related to the preparation of the DD Form 214. The DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active-duty service at the time of release from active duty, retirement, or discharge.

a. Paragraph 5-1f states that a DD Form 214 will be prepared for Reserve Component (RC) Soldiers completing active duty that results in the award of an MOS, even when the active-duty period was less than 90 days (for example, completion of the advanced individual training component of ARNGUS Alternate Training Program or USAR Split Training Program).

b. Paragraph 5-6 states: "When a RC Soldier successfully completes initial active duty training the character of service is Honorable unless directed otherwise by the separation approval authority."

4. Army Regulation 635-200 (Personnel Separations), in effect at the time, set forth the basic authority for the separation of enlisted personnel. Chapter 3 described the different characterizations of service.

a. Paragraph 3-7a states that an honorable discharge is a separation with honor. The honorable characterization is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate. Only the honorable characterization may be awarded a Soldier upon completion of his/her period of enlistment or period for which called or ordered to active duty or active duty for training, or where required under specific reasons for separation, unless an entry-level status separation (uncharacterized) is warranted.

b. Paragraph 3-9, of the regulation in effect at the time of his separation, stated that a separation would be described as an entry-level separation with service uncharacterized if processing is initiated while a Soldier is in an entry-level status (emphasis added), except in the following circumstances:

(1) when characterization of under other than honorable conditions is authorized under the reason for separation and is warranted by the circumstances of the case or

(2) when the Secretary of the Army, on a case-by-case basis, determines that an honorable characterization of service is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of duty.

c. Section II (Terms) of the glossary states that entry-level status for Soldiers in the ARNG and USAR begins upon enlistment in the ARNG or USAR and, for those Soldiers ordered to IADT for one continuous period, terminates 180 days after the commencement of IADT.

//NOTHING FOLLOWS//