

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 December 2024

DOCKET NUMBER: AR20240005567

APPLICANT REQUESTS:

- Correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) period ending 29 July 1989, to show:
 - Service from 1987 through 1997
 - Military Occupational Specialties (MOS)
 - Overseas service
 - Advanced Individual Training (AIT)
- Personal appearance before the Board via video/telephone

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

DD Form 149 (Application for Correction of Military 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 his DD Form 214 is missing 10 years of service from 1987 to 1997. He held multiple MOSs and served overseas. His DD Form 214 is incorrect, and he needs to access his Department of Veterans Affairs benefits. He also needs his AIT information included.
3. A review of the applicant's military service record shows:
 - a. On 6 December 1988:
 - He enlisted in the U.S. Army Reserve (USAR) for 6 years

- Military Entrance Processing Station, Boston, MA, published Orders Number 244-7, which ordered the applicant to Initial Active Duty for Training (IADT) with a report date of 16 February 1989

b. On 29 July 1989, he was released from IADT and was transferred to his USAR unit in Massachusetts. DD Form 214 shows in:

- Item 11 (Primary Specialty Number, Title and Years and Months in Specialty) – 31V10, Tactical Communications Systems Operator Mechanic
- Item 12a (Date Entered Active Duty (AD) This Period) – 16 February 1989
- Item 12b (Separation Date This Period) – 29 July 1989
- Item 12c (Net Active Service This Period) – 5 months and 14 days
- Item 14 (Military Education) – No Entry
- Item 24 (Character of Service) – Uncharacterized
- Item 28 (Narrative Reason for Separation) – Completion of IADT

c. On 15 February 1990, Headquarters, 94th USAR Command, published Orders Number 17-49, which released the applicant from his USAR unit in Massachusetts for unsatisfactory participation and assigned him to the USAR Control Group (Annual Training (AT)), effective 15 February 1990.

d. On 6 November 1990, USAR Personnel Center published Orders Number C-11-035615, which released the applicant from the USAR Control Group (AT) and assigned him to his USAR unit in Massachusetts, effective 6 November 1990.

e. The applicant's record contains DARP Form 249-2-E (Chronological Statement of Retirement Points) dated 5 May 1992, covering the anniversary years beginning on 6 December 1987 and ending 5 December 1991. In pertinent part, it shows:

- 1 year Qualifying for Retirement
- 112 Total Points Creditable
- 3 years, 4 months, and 29 days Total Service (Qualifying and Nonqualifying) for Longevity Pay Purposes

f. On 26 January 1994, Headquarters, 94th USAR Command published Orders Number 19-15, which released the applicant from his USAR unit in Massachusetts for unsatisfactory participation and assigned him to the USAR Control Group (AT), effective 26 January 1994.

g. On 3 May 1994, USAR Personnel Center published Orders Number C-05-419344, which released the applicant from the USAR Control Group (AT) and assigned him to his USAR unit in Arkansas, effective 2 May 1994.

h. On 13 February 1995, Headquarters, 95th Division (Institutional Training) published Orders Number 44-22, which released the applicant from his USAR unit for unsatisfactory participation and assigned him to the USAR Control Group, effective 13 February 1995.

i. On 7 November 1995, USAR Personnel Center published Orders Number C-11-559606, which released the applicant from the USAR Control Group (AT) and assigned him to his USAR unit in Massachusetts, effective 6 November 1995.

j. On 4 January 1997, Headquarters, U.S. Army, 94th Regional Support Command published Orders Number 004-76, which released the applicant from his USAR unit for unsatisfactory participation and assigned him to the USAR Control Group (Reinforcement), effective 31 December 1996.

k. On 17 April 1997, the applicant enlisted in the USAR.

l. On 10 February 2002, Headquarters, U.S. Army, 90th Regional Support Command published Orders Number 02-041-034, which released the applicant from his USAR unit for Individual Ready Reserve to Troop Program Unit Transfer No-Show and assigned him to the USAR Control Group (Reinforcement), effective 10 February 2002.

4. The applicant provided no evidence in support of his request, and his record contained only one DD Form 214.

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 request and available military records, the Board determined there is insufficient evidence to support the applicant's contentions for correction of his DD Form 214 for the period ending 29 July 1989. The Board acknowledged the applicant's request to his DD Form 214 to reflect service from 1987 through 1997, additional Military Occupational Specialties (MOS), overseas service, and completion of Advanced Individual Training (AIT).

2. However, the only DD Form 214 in the applicant's record accurately documents his Initial Active Duty for Training (IADT) from 16 February 1989 to 29 July 1989, with a primary specialty of 31V10, Tactical Communications Systems Operator Mechanic. The DD Form 214 appropriately reflects 5 months and 14 days of active service, an uncharacterized discharge, and no entry for military education. While the applicant

served in the U.S. Army Reserve (USAR) over multiple years and was subject to various orders and transfers, including periods of unsatisfactory participation and reassignment to control groups, these actions do not substantiate the requested corrections to his DD Form 214. Furthermore, the applicant has not provided any supporting documentation to verify overseas service, completion of AIT, or additional MOS qualifications. The Board agreed, in the absence of corroborating evidence and given that the DD Form 214 reflects only active-duty service, the Board found that the applicant's request lacks merit and therefore denied relief.

3. 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:

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.

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. In pertinent part, the regulation states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. It will decide cases based on the evidence of record and it is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. Paragraph 2-11 states 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 635-8 (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 5-1 (When to prepare the DD Form 214) states, 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. In pertinent part, a DD Form 214 will be prepared for Soldiers in the following categories: (1) Reserve Component (RC) Soldiers completing 90 days or more days of continuous active duty. (2) RC Soldiers separated for cause or physical disability regardless of the length of time served on active duty. (3) Army National Guard (ARNG) of the United States (ARNGUS) and U.S. Army Reserve (USAR) Soldiers mobilized under Title 10, U.S. Code (USC) sections 12301, 12302, 12304, 12304a, or 12304b and ARNG Soldiers called into Federal service under 10 USC 12301 or 32 USC 502, regardless of length of mobilization, when transitioned from active duty. (4) RC Soldiers completing active duty that results in the award of a military occupational specialty (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 (Rules for completing the DD Form 214) states, this paragraph provides detailed instructions for data required in each block of the DD Form 214. The instructions for:

(1) Block 12a (Date Entered Active Duty This Period) states, data sources are enlistment contract(s), initial order to active duty, active duty order, previously issued DD Forms 214, DA Form 1506 (Statement of Service – For Computation of Length of Service for Pay Purposes), and a complete review of the Soldier's official record. Enter the beginning date of the continuous period of active duty for issuance of this DD Form 214, for which a DD Form 214 was not previously issued. Do not depend on basic active service date for this data item. The basic active service date can be an adjusted date.

(2) Block 12b (Separation Date This Period) states to list the Soldier's transition date. This date may not be the contractual date if the Soldier was separated early, voluntarily extends, is extended to make up lost time, or is retained on active duty for the convenience of the Government.

(3) Block 12c (Net Active Service This Period) states to enter the amount of service this period, computed by subtracting block 12a from 12b.

(4) Block 14 (Military Education) states to list all formal, in-service (full-time attendance) training courses successfully completed during the period of service covered by the DD Form 214 of at least 1 week or 40 hours duration. Include course title, length in weeks, and year completed. This information is to assist the Soldier in job placement and counseling; therefore, do not list training courses for combat skills. When in doubt, refer to the American Council of Education's Guide to the Evaluation of Educational Experiences in the Armed Services for commonly accepted course titles to determine its usefulness to the Soldier after transitioning from the Army. Acceptable source documents include the enlisted record brief, DA Form 4037 (Officer Record

Brief), DA Form 1059 (Service School Academic Evaluation Report), or other military issued certificate of completion with from and through dates or number of weeks.

(5) Block 24 (Characterization of Service) states, correct entry is vital since it affects a Soldier's eligibility for post-service benefits. Characterization or description of service is determined by directive authorizing separation. The character of service must be one of the seven designations (a) through (g) below. When a RC Soldier successfully completes initial active duty training the character of service is Honorable unless directed otherwise by the separation approval authority.

//NOTHING FOLLOWS//