

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 January 2025

DOCKET NUMBER: AR20240005661

APPLICANT REQUESTS:

- Correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 22 November 2007 to show he:
  - served in the U.S. Army Reserve (USAR) for 11 years and 9 months
  - was awarded or authorized the Armed Forces Reserve Medal
- a 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)
- Orders Number 18-171-00023, 20 June 2018

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:

a. He is requesting that his DD Form 214 be corrected and updated to reflect that he served in the Army Reserve for 11 years and 9 months and earned the Armed Forces Reserve Medal award. He is also looking to receive an increase in his Department of Veterans Affairs (VA) benefits due to injury during a 32-day active duty training period. He wants to make sure that his profile reflecting his asthma is properly documented so that he may receive the proper care from the VA.

b. The correction should be made due to him fulfilling his initial contract and reenlisting for an additional 3 years. During the additional 3 years he was injured which resulted in him being unable to fulfill "their" [his] physical duties. His unit delayed by 2

months due to neglect. This resulted in depression and anxiety which he receives care from the VA currently as well as medication.

c. He was not given a correct copy of his DD Form 214 when he received his discharge orders in June 2018. When he filed for VA benefits for his right knee injury from 2017, he was told that his time in service did not match up. This information spiraled him into a depressive state of flashbacks from his unit's lack of attentiveness to his paperwork.

3. A review of the applicant's service records show:

a. He enlisted in the USAR for a period of 8 years on 18 September 2006.

b. On 20 September 2006, the Military Entrance Processing Station, Fort Jackson, SC, published Orders Number 6263019, which ordered the applicant to initial active duty for training with a report date of 10 July 2007.

c. On 22 November 2007, he was released from active duty training and was transferred to his USAR unit at Fort Jackson, SC. DD Form 214 shows in:

- Block 11 (Primary Specialty) – 42A10, Human Resources Specialist
- Block 12c (Net Active Service This Period) – 4 months and 13 days
- Block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) – No entry for the Armed Forces Reserve Medal
- Block 24 (Character of Service) – "Uncharacterized"

d. On 7 April 2014, he reenlisted for a period of 3 years and extended for 1 year on 16 February 2017.

e. On 20 June 2018, Headquarters, 81st Readiness Division published Orders Number 18-171-00023, which honorably discharged the applicant from the USAR, effective 27 June 2018.

f. On 8 November 2024, the Army Review Boards Agency sent the applicant a letter and requested he provide the documentation listed in support of his request and any supporting evidence including all additional documentation and relevant military records. He did not respond.

g. The applicant's military service contains only one DD Form 214 for the period ending 22 November 2007.

4. The Department of Veterans Affairs operates under its own separate laws and regulations. The VA can evaluate a veteran throughout his or her lifetime, adjusting the

percentage of disability based upon that agency's examinations and findings. The ABCMR does not grant requests for the correction of records solely for making the applicant eligible for veterans or other benefits. The Board decides every case individually based on the merits of the case, and an error or injustice. Additionally, the applicant should request a copy of his medical records through the VA and address all medical issues with that agency.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, 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 review based on law, policy, and regulation.

a. U.S. Army Reserve Time on DD Form 214. Deny. Upon review of the applicant's petition and available military records, the Board determined the applicant entered active duty for training as a member of the U.S. Army Reserve (USAR) from 10 July 2007 to 22 November 2007. The Board also determined the applicant was discharged from the USAR on 27 June 2018. There is no indication the applicant served on active duty after his release from active duty training to the USAR on 22 November 2007. The Board noted the DD Form 214 is a summary of continuous active duty and provides a record of all active and inactive service at the time of release.

b. Armed Forces Reserve Medal. Deny. The Board found no evidence to support the applicant was recommended for or approved for award of the Armed Forces Reserve Medal.

c. Prior to closing the discussion, the Board reviewed and concurred with the administrative note below.

2. 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:

Mbr 1      Mbr 2      Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	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.

4/10/2025

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.

ADMINISTRATIVE NOTE(S):

1. The applicant's DD Form 214, Block 24 (Character of Service) should be corrected to show honorable.
2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.
  - Orders Number 6263019 dated 20 September 2006
  - DD Form 214
  - Army Regulation (AR) 635-8 (Separation Processing and Documents)

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 15-185 (Army Board for Correction of Military Records) 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. AR 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 (REFRAD), retirement, or discharge. The DD Form 214 is not intended to have any legal effect on termination of a Soldier's service. 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 USAR Soldiers mobilized under Title 10 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. Soldiers who report to a mobilization station and are found unqualified for active duty within the

first 30 days will be excluded from this provision. They will receive a DD Form 220 (Active Duty Report), as specified in paragraph 9–1.

(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) provides detailed instructions for data required in each block of the DD Form 214. The instructions for:

(1) Block 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) state to list all federally recognized awards and decorations for all periods of service. Do not use abbreviations. Do not enter foreign or State level awards on DD Form 214.

(2) Block 24 (Characterization of Service) state that the 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.

4. AR 600-8-22 (Military Awards) implements a part of the Army Awards Program. Paragraph 2-26 (Armed Forces Reserve Medal) states, in pertinent part:

a. The Armed Forces Reserve Medal recognizes Servicemembers or former Servicemembers of the RC including Active Guard Reserve who have — (1) Completed a total of 10 years of honorable military service in the RC. (2) Been called to active duty and served under specific statutory conditions. (3) Volunteered and served on active duty in support of designated U.S. military operations or contingencies.

b. The Armed Forces Reserve Medal is awarded by the unit commander for honorable and satisfactory Service as a member or former member of one or more of the RCs of the Armed Forces of the United States for a period of 10 years under the following conditions: (1) Such years of service must have been performed within a period of 12 consecutive years. (2) Each year of active or inactive status honorable service prior to 1 July 1949 in any RC listed in AR 135–180 will be credited toward award. For service performed on or after 1 July 1949, a member must accumulate, during each anniversary year, a minimum of 50 retirement points as prescribed in AR 135–180.

//NOTHING FOLLOWS//