

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 December 2024

DOCKET NUMBER: AR20240005789

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from Active Duty) to show his date of entry as 14 July 1971.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4 (Enlistment Contract – Armed Forces of the United States), 14 July 1971
- DD Form 4, 11 April 1974
- DD Form 214, ending 5 April 1979
- Certification of Service

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 he would like to have his DD Form 214 corrected with the right service dates for the record and to avoid any confusion.

3. A review of the applicant's service record shows:

a. He enlisted in the United States Army Reserve (USAR) on 7 July 1971, with delayed entry into the Regular Army until 14 July 1971.

b. Special Orders Number 70, issued by Headquarters, 82nd Airborne Division on 10 April 1974 discharged the applicant for immediate reenlistment on 11 April 1974.

c. He completed 2 years, 8 months, and 7 days of active service. His record does not contain a DD Form 214 for this period; however, the applicant provides a Certification of Military Service issued by the National Archives and Record

Administration, on 15 June 2023, that shows he was a member of the Regular Army from 14 July 1971 to 10 April 1974 and was honorably discharged.

d. The applicant immediately reenlisted in the Regular Army on 11 April 1974. He served in Germany from April 1974 to April 1979.

e. The applicant was honorably discharged from active duty on 5 April 1979. He completed 4 years, 11 months, and 25 days of active service this period and 2 years, 8 months, and 27 days of prior active service. His DD Form 214 for this period shows in:

- Block 9d, Effective Date (of Separation) 5 April 1979
- Block 15, Date Entered Active Duty This Period, 11 April 1974
- Block 19a, Net Active Service This Period, 4 years, 11 months, and 25 days
- Block 19b, Prior Active Service, 2 year, 8 months, and 7 days

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence of record shows the applicant enlisted in the Regular Army on 14 July 1971 and he was honorably discharged on 10 April 1974 for immediate reenlistment on 11 April 1974. His service record does not contain a DD Form 214 for this period. However, he was issued a Certification of Military Service by the National Archives and Record Administration that shows he was a member of the Regular Army from 14 July 1971 to 10 April 1974. Additionally, he reenlisted on 11 April 1974 and was honorably discharged on 5 April 1979. His DD Form 214 correctly credited him with 4 years, 11 months, and 25 days of active service this period and 2 years, 8 months, and 27 days of prior active service. Since he was issued a Statement of Service in lieu of the DD Form 214 (for his first enlistment) and since he received service credit for both enlistments, the Board determined there is neither an error nor an injustice

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.

12/20/2024

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, 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 that must be prepared for Soldiers on retirement, discharge, release from active duty service, or control of the Active Army. It establishes standardized policy for preparing and distributing the DD Form 214.

a. The DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clearcut record of active duty service at the time of release from active duty, retirement, or discharge. The DD Form 214 is not intended to have any legal effect on termination of a soldier's service.

b. Do not issue DD Form 214 to replace record copies or DD Forms 214 lost by Soldiers. If no DD Form 214 is available, issue a statement of service or transcript of military record.

c. The version of AR 635-5, effective 1 October 1979 ended the need to prepare a DD Form 214 for enlisted members who are discharged from immediate re-enlistment.

//NOTHING FOLLOWS//