

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 November 2024

DOCKET NUMBER: AR20240005795

APPLICANT REQUESTS: on behalf of his father, a deceased service member (SM) to, in effect issue his father a DD Form 214 (Certificate of Release or Discharge from Active Duty) capturing all his service.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4 (Enlistment/Reenlistment Document), 15 September 1984
- DA Form 2-1 (Personnel Qualification Record)
- Birth Certificate
- Death Certificate (SM)
- Letter from the National Personnel Records Center

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 the record indicated the SM served 4 months and 13 days of active service. This should be updated. She has attached a letter indicating he did not have 90 days of consecutive service. Prior to his death, he indicated that all of his time served was consecutive. She [illegible word] to obtain a DD Form 214 in order to get any burial benefits.
3. The SM enlisted in the U.S. Army Reserve (USAR) on 11 October 1978. His DA Form 2-1 shows under Section III (Current and Previous Assignments):
 - a. He was ordered to 13-weeks of active duty by Order Number 207-25, issued by the Armed Forces Examining and Entrance Station in Miami, FL on 20 October 197. one station unit training on

b. He entered active duty on 20 October 1978, one station unit training at Fort Leonard Wood, MO for training in military occupational specialty (MOS) 12B, Combat Engineer.

c. On 10 January 1979, Headquarters, U.S. Army Training Center – Engineer, Fort Leonard Wood, published Orders 10-318 awarding him primary MOS 12B effective 1 February 1979 contingent on successful completion of training and graduation.

d. He was released from active duty on 22 February 1979 and transferred back to the control of the USAR.

e. A DD Form 214 and/or a Transcripts of Service for this period of active duty is not available. Section II of his DA Form 2-1 show she was awarded primary MOS 12B on 1 December 1979.

f. The SM's DA Form 5016 (Chronological Statement of Retirement Points) reflects 165 days of active service between Anniversary Year 11 October 1978 to Anniversary Year 10 October 1979.

4. The SM reenlisted in the USAR for 6 years on 15 September 1984 and for another 6 years on 8 July 1990.

5. In 1993 and 1994, the SM was charged with multiple periods of unexcused absence from training. He was sent several certified letters informing him of this absence.

6. On 31 May 1994, following multiple unexcused absences, Headquarters, 81st U.S. Army Reserve Command, East Point, GA published Orders 051-059 transferring the SM from his troop program unit (Company A, 841st Engineer Battalion, Ft. Lauderdale, FL) to the U.S. Army Reserve Personnel Center (Reinforcement).

7. AR 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.

a. 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.

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

BOARD DISCUSSION:

1. 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 record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The Board determined the SM served on active duty from 20 October 1978 to 22 February 1979 as a member of the U.S. Army Reserve completing initial entry training. The Board further determined the SM was not issued a DD Form 214 for this period of service and therefore, concluded, a Statement of Service for this period will be issued.
2. The Board considered the applicant's request for a DD Form 214 capturing the SM's entire period of service and determined relief was not warranted for this portion of his request and denied relief in excess of the Statement of Service for the active duty service period.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : 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 issuing a Statement of Service for the service member for the active service period from 20 October 1978 to 22 February 1979.

2. The Board further determined that 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 additional amendments of his DD Form 214 in excess of the 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.

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) establishes the standardized policy for preparing and distributing the DD Form 214. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service. The DD Form 214 is a summary of a Soldier's most recent period of continuous active duty (emphasis added). It provides a brief, clear-cut record of active duty service at the time of release from active duty, retirement, or discharge, and is not intended to have any legal effect on termination of a Soldier's service. A DD Form 214 will be prepared for each Soldier as indicated:

a. Active Army Soldiers on termination of active duty by reason of administrative separation (including separation by reason of retirement or expiration of term of service), physical disability separation, or punitive discharge under the Uniform Code of Military Justice.

b. Reserve Component (RC) Soldiers completing 90 days or more of continuous ADT, Full-Time National Guard Duty, active duty for special work, temporary tours of active duty, or Active Guard Reserve service. Also, RC Soldiers separated for cause or physical disability regardless of the length of time served on active duty.

c. Army National Guard (ARNG) and USAR Soldiers mobilized under Title 10, U.S. Code, sections 12301(a), 12302, or 12304, and ARNG Soldiers called into Federal service under Title 10, U.S. Code, chapter 15, or section 12406, regardless of length of mobilization, when transitioned from active duty. A Soldier who reports to a mobilization station and is found unqualified for active duty will be excluded from this provision. He or she will only receive a DD Form 220 (Active Duty Report); and

d. RC Soldiers completing initial ADT that results in the award of an MOS even when the active duty period was less than 90 days. This includes completion of advanced individual training under the ARNG of the United States Alternate Training Program or USAR Split Training Program.

//NOTHING FOLLOWS//