

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 April 2025

DOCKET NUMBER: AR20240005955

APPLICANT REQUESTS:

- published orders for the period 4 November 2020 thru 4 February 2021, and correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 3 November 2020, to reflect continuous active duty service from 21 August 2019 thru 2 August 2021
- appearance before the Board via video or telephone.

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

- DD Form 149 (Application for Correction of Military Record)
- Items A thru H, Army Service Records, dated 21 August 2019 to 8 November 2022
- Item I, Memorandum, Adjutant General (TAG), North Carolina National Guard (NCNG), dated 26 February 2024
- Department of Defense Instruction (DoDI) Number 1241.01, Reserve Component (RC) Line of Duty Determination for Medical and Dental Treatments and Incapacitation Pay Entitlements, dated 19 April 2016

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 as a wounded warrior, he experienced a gap in orders between 4 November 2020 and 4 February 2021. He was not paid, did not accrue leave, nor did he receive sponsored benefits during that time.
3. He enlisted in the Army National Guard of the United States on 6 November 2014.

4. On 21 August 2019, he was ordered to active duty in support of Operation Enduring Freedom (Spartan Shield), for a period of 400 days, with a report date of 21 August 2019. The order was finally amended to change the period of active duty to 351 days.

5. On or about 26 October 2019, the applicant deployed to Camp Buerhing, Kuwait.

6. Upon redeployment, he was retained on active duty under the provisions of Title 10, USC, Section 12301(h), for participation in the Reserve Component Warriors in Transition Medical Retention Program (MRP), for a 60-day period with a report date of 6 August 2020. The order was subsequently amended to a tour length of 90 days, with an end date of 3 November 2020.

7. On 5 February 2021, he was ordered to active duty, under the provisions of Title 10, USC, Section 12301(h), for a 60-day period, for the purpose of participating in the Reserve Component Managed Care – Mobilization (RCMC-M) Program. The order was subsequently amended to a tour length of 179 days, with an end date of 2 August 2021.

8. The applicant was honorably released from active duty, by reason of completion of required active service, on 3 November 2020. His DD Form 214 contains the following entries:

- item 12a (Date Entered Active Duty) – 21 August 2019
- item 12b (Separation Date This Period) - 3 November 2020
- item 12c (Net Active Service This Period) – 1 year, 2 months, 13 days

9. The applicant was honorably discharged from the NCNG and transferred to the U.S. Army Reserve (USAR) on 5 February 2022. He was honorably discharged from the USAR on 8 November 2022.

10. In the processing of this case, an advisory opinion was obtained from the National Guard Bureau on 20 February 2025, wherein the Chief, Special Actions Branch, recommended approval of the applicant's request, stating the applicant should have been retained on active duty orders until he was returned to duty or completed the Integrated Disability Evaluation System (IDES) process.

11. The applicant provides:

a. 24 Pages of Army Service Records which are summarized, in pertinent part, in the Record of Proceedings above.

b. A Department of the Army Mobilization Processing System (DAMPS) Order Audit, shows all of the orders that were issued to him from 26 June 2019 thru 8 June 2021, showing a 93 day gap in orders from 4 November 2020 to 4 February 2021.

c. A memorandum from TAG, NCNG, dated 26 February 2024, shows the TAG is aware of this issue which affected several Soldiers from the NCNG who were mobilized in support of Operation Enduring Freedom (Spartan Shield). The break in active-duty service created severe hardship and duress to Servicemembers and their families, including suspension of pay, allowances, and benefits, incurred out of pocket medical expenses, and in some cases, no medical care at all. The NCNG has diligently tried to rectify the situation. The TAG requests expedited action from the ABCMR in the restoration of medical benefits, pay, and allowances.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation, the findings and recommendations outlined in the NGB advisory opinion, and the lack of any rebuttal of those recommendations submitted by the applicant, the Board concluded there was sufficient evidence to show the applicant served on continuous active duty service from 21 August 2019 through 5 April 2021.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:XXX	:XXX	:XXX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army and Army National Guard records of the individual concerned be corrected by:

- amending Orders Number MM 0192-00001, Headquarters U.S. Army Medical Command, dated 3 August 2020, to show 4 October 2020 through 4 February 2021
- entitlement to back pay and allowances as a result of this correction
- correction of his NGB Form 23A with applicable time
- amendment of his DD Form 214, for the period ending 3 November 2020 to show in:
 - item 12b: 5 April 2021
 - item 12c: 1 year, 7 months, and 16 days

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 Army Board for Correction of Military Records (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. Headquarters, Department of the Army (HQDA), Executive Order (EXORD) 048-20 (Warrior Care and Transition Program Restructure).
 - a. Beginning in April 2007, the Army established Warrior Transition Units (WTU) at mid to large sized installations in response to shortfalls in outpatient care. The Warrior Care and Transition Program (WCTP) provides a continuum of integrated care and services from point of injury, to return to duty or transition from active duty. An interdisciplinary team (IDT) including Army leaders and non-clinical case managers

ensure the best access to care for the Army's seriously wounded, ill, and injured (WII) Soldiers.

b. In response to Army Senior Leadership guidance, U.S. Army Medical Command (USAMEDCOM), WCT conducted a holistic overview of the program. Guidance for the overview included an analysis of overhead, unit location, a return to single entry criteria focused on complex case management, and command structure.

c. Mission: No later than 1 October 2020, the Army implements WCT Program restructure and reform measures across 14 units in order to optimize the organization while remaining the premier program for the healing and transition of wounded, ill and injures Soldiers.

d. Purpose: The purpose of the restructure is to provide the highest quality of care for the Army's WII while exercising stewardship of limited resources of medical care, personnel, funding, facilities, and time. Restructure efforts provide focused care, streamline processes, and reduce overhead. The humanity, dignity and respect of each individual Solder remains paramount as the program remains scalable to meet future requirements.

e. Implement single entry criteria pending the publication of a Department of the Army (DA) Directive changing entry policy to ensure program is designed to support complex case management of the Army's seriously WII Soldiers.

f. Establish remote management options to ensure medial case management for non-complex Reserve Component (RC) Soldiers who are authorized evaluation and/or treatment while on active duty orders but who do not meet new Army Recovery Care Program (ARCP) entry criteria (remote medical management (RM2) for U.S. Army Reserve (USAR), Reserve Component Managed Care (RCMC) for Army National Guard (ARNG).

g. Decisive to this transition is the implementation of single entry criteria and entrance of non-complex RC Solders into RM2 or RCMC, scheduled for 1 January 2020.

h. Phase II: Remote management of non-complex USAR Soldiers no later than 31 December 2019. Incorporation of the RC disposition recommendation into the Army Senior Commander's decision on Soldier entry.

i. Phase III: This phase begins on 1 January 2020 with the implementation of single entry criteria. This phase ends on 1 March 2020 when WTUs are prepared for the transition to single unit Soldier Recovery Unit (SRU) structure and RM2 is operational. Non-complex RC Soldiers may request to transfer to RM2 while maintaining their

access to service. ARNG Soldiers complete evaluation and medical management within the RCMC Program.

j. Single entry criteria is defined as: Soldier has, or is anticipated to receive, a profile of more than six months duration, with duty limitations that preclude the Soldier from training or contributing to unit mission accomplishment; the complexity of the Soldier's condition requires either clinical case management or the Soldier's psychological condition is evaluated by a qualified licensed medical or behavioral health provider as posing a substantial danger to self or to others if Soldier remains in the parent unit.

k. Beginning 1 January 2020, non-complex RC Soldiers are ineligible for SRU entry based on the revised single entry criteria. However, in accordance with references, they are entitled to remain on or return to active duty to complete medical evaluation and treatment.

l. Beginning 1 January 2020, non-complex ARNG Soldiers are eligible for remote management through the RCMC program. The ARNG administratively and medical manages Soldiers enrolled in the RCMC program.

3. HQDA EXORD 048-20 Warrior Care and Transition Program, Message DTG 181511 August 2021. Establish remote management options to ensure medical case management for non-complex RC Soldiers who are authorized evaluation and/or treatment while on active duty orders but who do not meet ARCP single entry criteria. Noncomplex ARNG and USAR Soldiers will be managed through the RM2 program. On 15 February 2021, ARNG Soldiers are eligible to apply for enrollment in RM2 and are attached to the SRU. HQ platoons manage all RC RM2 Soldiers assessed by the WTU as non-complex (ARNG and USAR); these Soldiers continue their Comprehensive Recovery Plan (CRP) and receive services, internships, and transition resources already established until complete. Provide funding for movement of USAR and ARNG Soldiers not funded by mobilization orders to include movement from Mobilization Force Generation Installations (MFGI) site to SRU for evaluation; movement from SRU to RM2 duty location; movement from RM2 duty site to SRU when directed by the SRU commander.

4. Message: Appendix 1 (Triad of Leadership and Entry/Exit) to Annex C to EXORD 048-20. ARNG Soldiers demobilization from an MFGI are returned to their home station on medical retention processing evaluation (MRP-E) orders. The Soldier is managed by ARNG case management resources while the diagnosis and treatment plan are determined. Based upon the diagnosis, care plan, access to care and other criteria, the ARNG determines whether the Soldier meets the SRU entry criteria or qualifies for the RCMC program. From the MFGI site, if assessed that the Soldier meets entry criteria,

the ARNG may submit a standardized entry packet with disposition recommendation to the ARCP.

5. Fragmentary Order (FRAGO) 48 to Operations Order 20-29. The COVID-19 pandemic has contributed to increased delays in access to care for ARNG Soldiers managed in their home communities. Due to these delays, ARNG leadership directed that as of 15 February 2021 demobilizing ARNG Soldiers would be evaluated at SRU and would participate in the SRU RM2 program when qualified.

a. Effective 15 February 2021, ARNG Soldiers demobilizing through MFGI sites who meet the criteria for further medical evaluation/treatment of 12301(h) active duty orders will be completed the at evaluation at a SRU on a 60 day SRU-E (Evaluation order).

b. ARNG Soldiers will no longer be eligible to return to their home of record on a MRP-E 12301(h) active duty order.

c. RC Soldiers demobilizing or pending release from a period of active duty greater than 30 days with an unresolved medical condition(s) resulting in duty restrictions and who are pending additional evaluation (e.g., lab work, X-Ray, MRI, etc.) before a final diagnosis and treatment plan is determined, are eligible to remain on 12301(h) active duty orders for further medical evaluation/treatment at an SRU. These Soldiers are identified during the demobilization medical examination and placed (with their consent) on 12301(h) evaluation orders (SRU-E).

6. Appendix 2 (RM2) to Annex C (Operations) to HQ EXORD 048-20 Warrior Care and Transition Program Restructure. Section 3.B.2A: ARNG Soldiers who do not meet the single entry criteria may qualify for remote management under the RCMC Program. This program is managed by the ARNG. RCMC is not affiliated with the SRU or RM2 Programs.

7. 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. The regulation provides:

a. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. It is not an investigative body.

b. 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.

8. Army Regulation 635-8 (Separation Processing) provides that 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 (REFRAD), retirement, or discharge.

a. When separation is ordered, the separation approval documents must be present for transition processing to occur. Source documents, as listed below, must be present in a Soldier's record in order to complete the DD Form 214. Source documents will consist of:

- Service Member's Record Brief
- Separation approval documents
- Separation order
- Any other document authorized for filing in the Army Military Human Resources Record

b. DD Form 214, Item 12b (Separation Date This Period) will contain 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.

9. Army Regulation 600-8-105 (Military Orders) provides that orders are published to order individuals onto active duty or change the status of military personnel on active duty. Only the organization that published the original order may amend, rescind, or revoke the order. When there is no evidence of fraud or obvious error and the Soldier received actual or constructive delivery, orders discharging a Soldier from the service will not be revoked after the effective date of discharge unless the revocation is a written confirmation of verbal orders issued before the effective date of discharge. An order may be corrected by the organization that published the original order to show the true state of affairs existing at the time the original order was published. Orders may only be changed to reflect facts that existed when the original order was published.

//NOTHING FOLLOWS//