

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 January 2025

DOCKET NUMBER: AR20240005970

APPLICANT REQUESTS:

- correction of item 4 (Department, Component, and Branch or Class) of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 12 October 1964 to show a different component
- correction of his total active service to show "5 years" of service
- a personal appearance hearing before the Board via video/telephone

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

DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)

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 he received an unspecified document after he applied that he was in the "Air Guard" and that is incorrect as he has always been in the Army. The paper also noted he served for only 5 months, when in fact he served for 5 years. He is hoping these changes will increase his evaluation status and award him compensation especially in regard to the PACT [Promise to Address Comprehensive Toxins] Act.
3. The applicant requests his component be corrected from the "Air Guard" to a component in the Army. A review of item 4 of his DD Form 214 for the period ending 12 October 1964 shows his "component" as "ARNG [Army National Guard]." Therefore, there is no error or injustice for the Board to consider regarding this contention. As a result, this portion of his request will not be discussed further in this record of proceedings.
4. His limited available record contains:

a. Headquarters Oklahoma National Guard (OKARNG) Office of the Adjutant General Letter Orders No. 072 (Orders to Active Duty for Training), dated 8 April 1984, with the consent of the Governor of the State of Oklahoma ordered him to active duty for training (ACDUTRA) with a reporting date of 15 April 1964. It further shows he enlisted in the OKARNG on 8 December 1963.

b. Headquarters, Fort Polk, Fort Polk, LA Special Orders Number 234, dated 6 October 1964 shows he was released from active duty (REFRAD) by reason of completion of military occupation specialty training effective 12 October 1964.

5. His DD Form 214 shows he entered active duty for training on 15 April 1964. He was honorably released from active duty for training and transferred to the OKARNG effective 12 October 1964. This form shows in;

- item 4 the entry: "Army – ARNG – INF [Infantry]"
- item 17 (District of Area Command to Which Reservist Transferred), the entry: "Release to ARNG of Oklahoma"
- item 24(a)(1) (Net Service This Period) – 5 months and 28 days
- item 24(a)(2) (Other Service) – 4 months and 8 days
- item 24(a)(3) (Total (line (1) + (2))) – 10 months and 6 days
- item 24(b) (Total Active Service) – 5 months and 28 days
- Item 32 (Remarks) contains the entry: "Release from ACDUTRA and return to state control as a member of the ARNG of Oklahoma to complete remaining service obligation of 5 years and 2 months."

6. His limited available service records contain no evidence indicating he completed any periods of continuous active duty for 90 days or more qualifying for issuance of any additional DD Forms 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 petition and available military records, the Board determined there is insufficient evidence to support an error or injustice in item 4 of the DD Form 214, which correctly reflects the applicant's component as "Army – ARNG – INF," indicating service in the Army National Guard Infantry. The Board noted, no evidence that the applicant was ever affiliated with the Air National Guard, and the reference to "Air Guard" appears to be a clerical or external error unrelated to the official military record. Therefore, no correction is warranted.

2. Furthermore, the Board determined that the applicant's DD Form 214 accurately documents his period of active duty for training (ACDUTRA) from 15 April 1964 to 12 October 1964, totaling 5 months and 28 days. The form also reflects additional service of 4 months and 8 days, for a total of 10 months and 6 days of service. Item 32 appropriately notes that the applicant was released from ACDUTRA and returned to state control to complete the remaining service obligation of 5 years and 2 months. However, the Board agreed, this obligation does not constitute active federal service and does not qualify for inclusion in the total active service reflected on the DD Form 214. Furthermore, there is no evidence in the available records that the applicant completed any additional periods of continuous active duty of 90 days or more that would warrant issuance of another DD Form 214. Based on this, the Board denied relief for correction of the component or total active service on the applicant's DD Form 214.

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 (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 Army Board for Correction of Military Records (ABCMR). The ABCMR will decide cases on the evidence of record; it is not an investigative body. 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 evidence. The ABCMR may, in its discretion, hold a hearing (sometimes referred to as an evidentiary hearing or an administrative hearing) or request additional evidence or opinions. 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 635-5 (Separation Documents), effective 13 August 1963, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for preparation of the DD Form 214. The purpose of a separation document is to provide the individual with documentary evidence of his/her military service. It is

important that information entered thereon is complete and accurate. All available records will be used as a basis for preparation of the DD Form 214, including the DA Form 24 (Service Record), DA Form 20 (Enlisted Qualification Record), and orders. The specific instructions for:

a. item 4 for enlisted personnel enter "Army" in capital letters; also enter component and branch in which serving immediately prior to separation;

b. item 17 enter at the time of separation the individual is transferred or reverts to USAR [United States Army Reserve] or ARNGUS [Army National Guard of the United States], enter for ARNUS persons: "ARNGUS of State of which he is a member, e.g., "Revert ARNGUS of Mass.";

c. item 24(a)(1) for enlisted personnel enter total service completed between the dates shown in items 16 or 19c and 11d of the DD Form 214, as represented by continual and foreign service, less time lost under Title 10, U.S. Code, section 972, and time subsequent to normal expiration of term of service;

d. item 24(a)(2) for enlisted personnel enter all prior service excluding any service shown in item 24(a)(1). This includes any period served in the USAR or ARNGUS as a reservist not on active duty during current enlistment;

e. item 24(a)(3) is self-explanatory; and

f. item 24(b) enter total active service the individual has completed beginning with the earliest period of active service up to and including current period of active duty, less any period served in the ARNGUS or USAR not on active duty, and less time lost under Title 10, U.S. Code, section 972.

//NOTHING FOLLOWS//