

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 January 2025

DOCKET NUMBER: AR20240006005

APPLICANT REQUESTS:

- correction of item 12c (Net Active Service This Period) of her DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 2 July 1984 to show she had 2 years in lieu of 1 year, 11 months, and 25 days of net active service this period
- a personnel 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)
- Self-authored statement, 27 February 2024
- The Army Achievement Medal Certificate, 24 February 1984
- DD Form 214 for the period ending 2 July 1984
- The Army Achievement Medal Certificate, 1 February 1986
- University of Mississippi Bachelor of Music Degree, 14 May 1988
- State of Arkansas Department of Education Teacher's License, valid from 1 January 2008 to valid to 31 December 2012

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 to amend her DD Form 214 to reflect a full 24 months of active duty service. She believes her separation date is incorrect and has hindered her ability to apply for benefits including Department of Veterans Affairs benefits (see self-authored statement for further details).

3. Her DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States) shows she enlisted in the U.S. Army Reserve (USAR) under the Delayed Entry/Enlistment Program (DEP) on 14 January 1982 for a period of 6 years with an obligation to enlist in the Regular Army for a period of not less than 2 years within 365 days.

4. She was discharged from the DEP for immediate enlistment in the Regular Army and enlisted in the Regular Army on 8 July 1982 for a period of 2 years. It further shows she served 5 months and 24 days in the DEP.

5. She was honorably released from active duty on 2 July 1984 by reason of completion term of service and transferred to the USAR Control Group (Annual Training) to complete her Reserve obligation. She completed 1 year, 11 months, and 25 days of net active service during this period. Her DD Form 214 shows in:

- item 12a (Date Entered Active Duty This Period) – 8 July 1982
- item 12b (Separation Date This Period) – 2 July 1984
- item 12c (Net Active Service This Period) – 1 year, 11 months, and 25 days
- item 12e (Total Prior Inactive Service) – 5 months and 24 days
- item 12i (Reserve Obligation Termination Date) – 7 July 1988

6. In addition she provides:

a. Army Achievement Medal Certificate, dated 24 February 1984, which shows she was awarded the Army Achievement Medal for meritorious achievement during the period November 1983 through January 1984;

b. Army Achievement Medal Certificate, 1 February 1986, showing she was awarded the Army Achievement Medal for meritorious achievement from November 1984 to January 1986 (after her period of active duty service);

c. University of Mississippi Bachelor of Music Degree, conferred on 14 May 1988;
and

d. State of Arkansas Department of Education Teacher's License, that notes it was valid from 1 January 2008 to 31 December 2012.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined partial relief was warranted. The applicant’s contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documents and the service dates annotated on the DD Form 214, the Board concluded there was insufficient evidence to grant the requested relief. However, based upon the available documents, the Board did recommend adding in Block 18 (REMARKS), the language, “SM completed first term of service.”

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:XXX	:XXX	:XXX	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 adding the following additional statement to block 18 (Remarks) of his DD Form 214: “SM completed first term of service.”
2. The Board further determined 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 adding additional service period to the DD214.

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 ABCMR. The ABCMR considers individual applications that are properly brought before it. 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 the 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), 15 August 1979 with interim changes, 1 July 1981 and 16 March 1982, prescribed the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service or control of the Army. A DD Form 214 will be prepared for all active duty personnel at the time of their retirement, discharge, resignation, or release from the Active Army. It established standardized policy for preparing and distributing the DD Form 214. The specific instructions stated for:
 - a. item 12a, enter the beginning date of the enlistment period for which a DD Form 214 was not issued;
 - b. item 12b, self-explanatory;
 - c. item 12c, enter all service less time lost under 10 U.S.C. 972 and time lost after expiration of term of service;
 - d. item 12e, enter the total amount of prior inactive service, less lost time, if any. DEP time which begins before 1 January 1985 is creditable service for pay purposes; and

e. item 12i, this refers to the completion date of the 6-year service obligation for personnel who became members of the Armed Forces after 31 January 1978 under the Military Selective Service Act. Time lost under Title 10, U.S. Code, Section 972, while on active duty does not extend the Terminal Date of the Reserve Service Obligation under the Military Selective Service Act.

//NOTHING FOLLOWS//