

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 February 2025

DOCKET NUMBER: AR20240006022

APPLICANT REQUESTS: In effect –

- Active duty "bridging" orders published for the period "25 October 2020 through 17 November 2020"
- Correction of DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending on 24 October 2020 to show continuous service

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

- DD Form 149 (Application for Correction of Military Record)
- Orders Number 29-176-0013, 25 June 2019
- Orders Number 29-176-0013 (A1), 3 August 2019
- Orders Number 29-176-0013 (A2), 17 March 2020
- Orders Number 29-176-0013 (A3), 8 June 2020
- Orders Number 29-176-0013 (A4), 19 August 2020
- Orders Number MM-0232-00007, 19 August 2020
- DA Form 2173 (Statement of Medical Examination and Duty Status), 16 July 2020
- National Guard Bureau (NGB) Memorandum - Subject: Line of Duty (LOD) Determination [Applicant], 19 October 2020
- DD Form 214, 24 October 2020
- Orders Number NG-0318-00003, 13 November 2020
- Orders Number NG-0318-00003A01, 16 February 2021
- Orders Number MM-1060-00003, 1 March 2021
- Orders Number MM-1060-00003A01, 4 October 2021
- DD Form 214, 29 January 2022
- NGB Form 23A (Army National Guard (ARNG) Current Annual Statement), 10 January 2023
- Order Number 0004085823.00, 27 February 2023
- DA Form 5016 (Retirement Accounting Statement), 8 February 2024
- North Carolina ARNG (NCARNG) Memorandum - Subject: Request to Expedite Army Board for Corrections of Military Records (ABCMR) in the Restoration of Medical Benefits, Pay and Allowances, 26 February 2024

- Orders Audit Screenshot

FACTS:

1. The applicant states:

a. He requests Active-Duty orders from 25 October 2020 – 17 November 2020 for Medical Retention Processing (MRP) end date extension or earlier Reserve Component Managed Care-Mobilization (RCMC-M) start date for orders gap relief. Orders gaps represent breaks in medical coverage or coverage under TAMP-180 [Transitional Assistance Management Program] which never should have been triggered to start up less gap in continuity of orders. Reference Army Board for Correction of Military Records (ABCMR) (SAMRRBA) Case Number AR20220011892 dated 9 May 2023 findings for similar case facts and disposition to support this request.

b. He requests this correction respectfully because it is what should have occurred. He was not paid, did not accrue leave or have accurately sponsored benefits from 25 October 2020 – 17 November 2020 due to order gap in between MRP and RCMC-M orders as a wounded warrior. His last Released from Active Duty (REFRAD) DD Form 214 from "OSS" will need a DD Form 215 if and depending on relief granted. He is missing minimum .80 months (24 days) of what should have been continuous "T-10 Active Duty (AD), 12301(h) AD recovery status" in accordance with (IAW) Department of Defense Instruction (DoDI) 1241.01 (Reserve Component (RC) Line of Duty Determination for Medical and Dental Treatments and Incapacitation Pay Entitlements) dated 19 April 2016. He is currently medically retired (Permanent Disability Retired List (PDRL)) in the Retired Reserve. If corrected, he would have one continuous T-10 (Title 10) DD Form 214 with end date 29 January 2022 IAW Physical Evaluation Board (PEB) results fixed via DD Form 215.

2. A review of the applicant's service records show:

a. On 10 January 2007, he enlisted in the NCARNG.

b. The applicant extended his NCARNG enlistment on 6 February 2012 and 24 April 2018.

c. On 25 June 2019, the State of North Carolina, Office of the Adjutant General (AG) published Orders Number 29-176-0013, which ordered the applicant to active duty (mobilization) for 400 days in support of Operation Enduring Freedom (Spartan Shield), with a report date of 12 August 2019.

d. On 23 October 2019, Headquarters, U.S. Army Garrison Fort Bliss, TX, published Orders Number BL-296-0370, which deployed the applicant in a Temporary Change of Station status not to exceed 325 days in support of Operation Enduring Freedom (Spartan Shield) Camp Buerhing, Kuwait on or about 26 October 2019.

e. On 8 June 2020, the State of North Carolina, Office of the AG published Orders Number 29-176-0013 (A3), which amended the Period of Active Duty for Order Number 29-176-0013 by changing the Period of Active Duty to 483 days vice 430.

f. On 19 August 2020:

(1) Headquarters, U.S. Army Garrison Fort Bliss published Orders Number BL-296-0370 (A3), which amended Order Number BL-296-0370 by changing the number of days to 305 days vice 325.

(2) Headquarters, U.S. Army Medical Command (MEDCOM), Fort Sam Houston, TX, published Orders Number MM-0232-00007, which retained the applicant on active duty for 60 days to participate in the Reserve Component Warriors in Transition Medical Retention Processing Program for completion of medical evaluation with a report date of 26 August 2020. In pertinent part, the additional instructions state:

(a) No break in service and the applicant will be entered into the Physical Disability Evaluation System process at the earliest determination or if the applicant is unable to return to full military duty within one year of diagnosis of medical condition before orders expire.

(b) Release from active duty is required upon completion of medical care. The installation transition center will prepare release order and DD Form 214 upon completion of active duty.

g. On 24 October 2020, the applicant was honorably released from active duty and was transferred to his NCARNG unit. In pertinent part, DD Form 214 shows in:

- Item 12a (Date Entered Active Duty This Period) – 12 August 2019
- Item 12b (Separation Date This Period) – 24 October 2020
- Item 12c (Net Active Service This Period) – 1 year, 2 months, and 13 days
- Item 18 (Remarks) – "Section 12301 (H), Title 10, MM-0232-00007 – Reserve Component Warriors In Transition Medical Retention Processing Program – 20200826-20201024"

h. On 13 November 2020, the NGB published Orders Number NG-0318-00003, which ordered the applicant to active duty for 90 days to participate in the RCMC-M for Managed Medical Care (mobilization), with a report date of 18 November 2020. The

additional instructions state, the applicant is on "RCMC" [Reserve Component Managed Care] active-duty orders to complete medical care and treatment.

i. On 16 February 2021, the NGB published Orders Number NG-0318-00003A01, which amended Order Number NG-0318-00003, by changing the end date to 17 March 2021 vice 15 February 2021, and Tour Length to 120 days vice 90.

j. On 1 March 2021, Headquarters, MEDCOM published Orders Number MM-1060-00003, which retained the applicant on active duty for 179 days to participate in the Reserve Component Disability Evaluation System (DES) Related Medical Appointments IAW DODI 1332.18 (initial), with a report date of 18 March 2021.

k. On 4 October 2021, Headquarters, MEDCOM published Orders Number MM-1060-00003A01, which amended Order Number MM-1060-00003, by changing:

- Purpose Type to "Extension"
- End Date to "9 February 2022"
- Tour Length to "329" days

l. On 29 November 2021, DA Form 199 (Informal Physical Evaluation Board (PEB) Proceedings) shows an informal PEB found the applicant physically unfit and recommended a rating of 40 percent, and that his disposition be permanent disability retirement. He concurred and waived a formal hearing of his case.

m. On 29 January 2022, the applicant was retired by reason of disability, combat related and was transferred to the U.S. Army Reserve Control Group (Retired). DD Form 214 shows in:

- Item 12a (Date Entered Active Duty This Period) – 18 March 2021
- Item 12b (Separation Date This Period) – 29 January 2022
- Item 12c (Net Active Service This Period) – 10 months and 12 days
- Item 28 (Narrative Reason for Separation) – Army Regulation 635-40 (Disability Evaluation for Retention, Retirement, or Separation), Chapter 4

n. On 30 January 2022, NGB Form 22 shows the applicant was released from the ARNG for placement on the Permanent Disability Retired List (PDRL) and was transferred to the PDRL, Fort Knox, KY.

o. NGB Form 23A prepared on 10 January 2023 shows he was mobilized from 12 August 2019 to 24 October 2020, and placed on active duty again on 18 November 2020. It also shows a total of:

- 2393 Active Duty Training Points

- 3004 Career Points
- 2961 Total Points for Retired Pay
- 14 Years Creditable Service for Retired Pay

3. In support of his petition to the Board, the applicant provides:

a. Orders Number 29-176-0013 (A1) dated 3 August 2019 and (A2) dated 17 March 2020, published by the NCARNG, Office of the AG, which amended Order Number 29-176-0013 by changing the Accounting Code and period of active duty to 430 days.

b. Orders Number 29-176-0013 (A4) dated 19 August 2020, published by the NCARNG, Office of the AG, which amended Order Number 29-176-0013 by changing the Period of Active Duty to 380 days.

c. DA Form 2173 dated 16 July 2020, which shows his injury for Lumbar Intervertebral Disc Degeneration was considered to have been incurred in LOD.

d. NGB Memorandum - Subject: LOD Determination [Applicant], dated 19 October 2020, which shows his injury for Lumbar Intervertebral Disc Degeneration that occurred during Operation Enduring Freedom (Spartan Shield) was approved "IN LINE OF DUTY."

e. Order Number 0004085823.00 dated 27 February 2023, published by the NCARNG, which shows he was transferred to the PDRL, Fort Knox, KY, effective 29 January 2022.

f. DA Form 5016 dated 8 February 2024, which shows his detailed listing of retirement points earned in his completed anniversary years. It shows a total of:

- 358 Inactive Duty Points
- 13 Extension Course Points
- 226 Membership Points
- 2382 Active-Duty Points
- 14 years and 20 days Qualifying for Retirement
- 2979 Points Earned
- 2935 Points Creditable

g. NCARNG Memorandum - Subject: Request to Expedite ABCMR in the Restoration of Medical Benefits, Pay and Allowances, dated 26 February 2024, wherein, the NCARNG AG states, in part:

(1) Request to expedite ABCMR action in the restoration of medical benefits, pay and allowances for Service Members of the NCARNG who mobilized with the 30th

Armored Brigade Combat Team in support of Operation Enduring Freedom (Spartan Shield).

(2) Upon Release from Active Duty, several service members experienced a break in service in their active-duty orders, which resulted in a lapse of medical care and suspension of pay and allowances. This created severe hardship and duress to the service members and their families, due to incurring out of pocket costs for medical care, coupled with loss of pay and benefits. In some cases, medical care was not provided at all. Regardless of the mechanism of failure, it is inappropriate for the service members and their families to bear the brunt of inadequate planning and administrative shortfalls from either human or human resources systems errors.

h. Orders audit screenshot of published orders issued to the applicant and shows a gap of 24 days.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was 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 found there is sufficient evidence to support the applicant's contentions for correction of his DD Form 214 for the period ending 24 October 2020 to reflect continuous active-duty service, and for recognition of bridging orders covering the period 25 October 2020 through 17 November 2020. The Board noted, the applicant was mobilized in support of Operation Enduring Freedom (Spartan Shield) and subsequently retained on active duty under the Reserve Component Warriors in Transition Medical Retention Processing Program.
2. The Board determined the applicant's DD Form 214 correctly documents his release from active duty on 24 October 2020; however, the record clearly shows that he was retained on active duty for medical care and evaluation without a break in service, as evidenced by subsequent orders issued by the National Guard Bureau (NGB) and U.S. Army Medical Command (MEDCOM). Furthermore, the applicant's service record and supporting documentation including line of duty determinations, medical retention orders, and memoranda from the NCARNG Adjutant General, confirm that the 24-day gap between 25 October 2020 and 17 November 2020 was administrative in nature and not reflective of an actual break in service.
3. The Board agreed the applicant's continuous service during this period should be recognized and that bridging orders should be published to cover the gap. Based on this, the Board granted relief for the issuance of bridging orders for the period 25

October 2020 through 17 November 2020 and correction of the applicant's DD Form 214 ending 24 October 2020 to reflect continuous active-duty service.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
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 records of the individual concerned be corrected to show issuance of bridging orders for the period 25 October 2020 through 17 November 2020 and correction of the applicant's DD Form 214 ending 24 October 2020 to reflect continuous active-duty service.

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. Army Regulation (AR) 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 REFRAD, retirement, or discharge. 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

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.

2. AR 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.

3. Title 10 United States Code, section 12301 - Reserve components generally, (h)
(1) When authorized by the Secretary of Defense, the Secretary of a military department may, with the consent of the member, order a member of a reserve component to active duty:

- to receive authorized medical care;
- to be medically evaluated for disability or other purposes; or
to complete a required Department of Defense health care study, which may include an associated medical evaluation of the member

(2) A member ordered to active duty under this subsection may, with the member's consent, be retained on active duty, if the Secretary concerned considers it appropriate, for medical treatment for a condition associated with the study or evaluation, if that treatment of the member is otherwise authorized by law.

(3) A member of the Army National Guard of the United States or the Air National Guard of the United States may be ordered to active duty under this subsection only with the consent of the Governor or other appropriate authority of the State concerned.

4. AR 15-185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. In pertinent part, the regulation states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. It will decide cases based on the evidence of record and the ABCMR is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//