

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 February 2025

DOCKET NUMBER: AR20240006273

APPLICANT REQUESTS: issuance of a DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period of 18 January 2010 – 24 July 2010.

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

- DD Form 149 (Application for Correction of Military Record)
- Department of Veterans Affairs letter

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 in pertinent part that his records are void of evidence of his service on active duty from 18 January 2010 – 24 July 2010.
3. A review of the applicant's available service records reflects the following:
 - a. On 16 October 2006, the applicant enlisted in the U.S. Army Reserve (USAR) for 8 years with duty as a 21E (Heavy Construction Equipment Operator).
 - b. On 8 November 2006, the applicant entered active duty for the completion of Initial Active-Duty Training (IADT).
 - c. On 13 April 2007, the applicant was released from active duty. A DD Form 214 was issued for this period.
 - d. On 13 April 2008, the applicant entered upon active duty in support of Operation Iraqi Freedom.
 - e. On 13 April 2009, the applicant was released from active duty. A DD Form 214 was issued for this period.

f. On 13 January 2010, the 416th Theater Engineer Command issued Orders Number 10-013-00059 ordering the applicant to active duty for a period of 400 days in support of Operation Enduring Freedom, effective 13 April 2010. The applicant's records are void of evidence of separation/release from active-duty orders or a DD Form 214 for this period.

g. On 27 October 2011, Headquarters, 88th Regional Support Command issued Orders Number 11-300-00163, reducing the applicant in rank from specialist (SPC) to private (PVT), effective 25 October 2011; the applicant was subsequently discharged from the USAR on 3 November 2011.

4. The applicant provides a Department of Veterans Affairs letter reflective of their response to his submitted claim. The applicant was advised to submit documentation (DD Form 214) reflective of his active-duty service from 18 January 2010 – 24 July 2010.

5. The applicants DA Form 5016 (Chronological Statement of Retirement Points) dated 30 December 2024, reflects that for Retirement Year Ending on 15 October 2010, covering the period of 16 October 2009 – 15 October 2010, he was awarded 69 points of which is comprised of 24 inactive duty training points, 15 membership points, and 20 active-duty points.

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 found the applicant was issued active-duty orders on 13 January 2010 for a period of 400 days in support of Operation Enduring Freedom, his official military records are void of any evidence confirming execution of those orders, including documentation of entry or release from active duty during the requested period.

2. The Board determined the applicant's DA Form 5016 (Chronological Statement of Retirement Points) reflects only 20 active-duty points during the relevant timeframe, which does not substantiate continuous active-duty service or support the issuance of a DD Form 214. The Board noted in the record, Orders Number 11-300-00163 reducing the applicant in rank from specialist (SPC) to private (PVT), effective 25 October 2011 the applicant was subsequently discharged from the USAR on 3 November 2011. Additionally, there is no separation order or DD Form 214 in the record for this period, and no supporting documentation has been provided to verify the start or end of active-

duty service. In the absence of verifiable evidence of qualifying service, the Board found no error or injustice and denied relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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, USC, 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) provides that the DD Form 214 will reflect the conditions and circumstances that existed at the time the records were created. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge.

a. The DD Form 214 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 in a Reserve Component:

- completing 90 days or more of continuous active-duty training
- when mobilized under sections 12301(a), 12302, or 12304, Title 10, USC and ARNG Soldiers called into Federal service under chapter 15, or section 12406, Title 10, USC, regardless of length of mobilization, when transitioned from active-duty
- completing initial ADT that results in the award of a military occupational specialty, even when the active-duty period was less than 90 days. This includes completion of advanced individual training (AIT) under ARNGUS Alternate Training Program or USAR Split Training Program

b. Paragraph 2-7 (Issuing and Reissuing DD Form 214) provides that a DD Form 214 will not be issued to replace record copies or DD Forms 214 lost by Soldiers. If no DD Form 214 is available, issue a Statement of Service or transcript of the military record.

//NOTHING FOLLOWS//