

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 February 2025

DOCKET NUMBER: AR20240006277

APPLICANT REQUESTS: correction of DD Form 214 (Certificate of Release or Discharge from Active Duty), item 12c. (Net Active Service this Period) for the period ending on 25 February 2013

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

- DD Form 239 (Application for the Review of Discharge from the Armed Forces of the United States) in lieu of DD Form 149 (Application for Correction of Military Record)
- DD Form 214, 25 February 2013
- Defense Finance and Accounting Service (DFAS) letter, 23 January 2024

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 her DD Form 214 does not accurately reflect the total time that she has served in the military. She contests that she is currently in the process of attempting to "buy back" her time spent in military service and was advised by DFAS that the information in item 12c. of her DD Form 214 does not coordinate with the dates that she provided.
3. A review of the applicant's available service records reflects the following:
 - a. On 25 September 2002, the applicant enlisted in the U.S. Army Reserve (USAR) for 8 years under the Delayed Entry Program (DEP). DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the U.S.), Paragraph 8a. provides that the applicant was required to report to the Military Entrance Processing Station by 25 August 2003 for enlistment in the Regular Army for not less than 6 years.

b. On 22 August 2003, the applicant requested to be discharged from the DEP for enlisted in the Regular Army for 6 years. The applicant subsequently enlisted in the Regular Army and entered active-duty service.

c. On 14 November 2003, the applicant was discharged from military service in accordance with Army Regulation 635-200 (Personnel Separations Enlisted Personnel), Chapter 11 (entry Level Performance and Conduct). DD Form 214 reflects the following:

- item 12a. (Date Entered Active Duty this Period) – 22 August 2003
- item 12b. (Separation Date this Period) – 14 November 2003
- item 12c. (Net Active Service this Period) – 2 months 23 days
- item 12d. (Total Prior Active Service) – 0

d. On 25 September 2008, the applicant enlisted in the Regular Army for 4 years and 22 weeks.

e. On 21 November 2012, the U.S. Army Installation Management Command issued Orders Number 326-0297, reassigning the applicant to the U.S. Army transition point pending separation processing, effective 25 February 2013.

f. On 17 December 2012, the applicant enlisted in the U.S. Army Reserve (USAR) for 1 year.

g. On 25 February 2013, the applicant was released from active duty and transferred into a USAR Troop Program Unit. DD Form 214 reflects the following:

- item 12a. (Date Entered Active Duty this Period) – 2 July 2008
- item 12b. (Separation Date this Period) – 25 February 2013
- item 12c. (Net Active Service this Period) – 4 years, 5 months, and 1 day
- item 12d. (Total Prior Active Service) – 2 months and 23 days

h. On 29 July 2014, Headquarters, 81st Regional Support Command issued Orders Number 14-210-00099 discharging the applicant from the USAR, effective 1 August 2014, for failure to obtain a Family Care Plan.

i. On 30 April 2021, the applicant enlisted in the USAR for 6 years.

4. The applicant provides DFAS) letter dated 23 January 2024, reflective of DFAS advising her that acceptable documents pertaining to her estimated earnings were missing and therefore they were unable to process her request without proper documentation. The applicant was further advised that if there was a DD Form 215 issued to correct a DD Form 214, the amount of time in item 12c. does not coordinate

with the dates that she provided and if she had any questions, she would need to contact DFAS.

5. On 24 October 2024, a DA Form 5016 (Retirement Accounting Statement) was constructed reflective of the applicant's qualifying service completed between 25 September 2002 – 24 September 2024. Upon review you will note the following inconsistencies with the applicant's chronological service dates in comparison to her enlistment contracts, orders etc.:

- Regular Army Service dates – 25 September 2002 – 13 November 2003
- Delayed Entry Program dates – 11 September 2008 – 24 February 2013
- USAR/TPU Service dates – 25 February 2013 - present

6. Army Regulation (AR) 15-185 (ABCMR) paragraph 2-9 states 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.

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. One potential outcome was to grant relief based on administrative discrepancy on her DD Form 214 whereas should reflect a more accurate total of 4 years, 7 months, and 23 days verses the 4 years, 5 months, and 1 day as well it appears in their calculation, they did a 7 -2 verses individual months of AUG – FEB. However, upon review of the applicant's petition and available military records, the Board acknowledged the applicant's contentions that the total time reflected does not accurately represent her active-duty service and cites challenges in coordinating her military service dates with the Defense Finance and Accounting Service (DFAS) for the purpose of buying back her time

2. The Board determined there is insufficient evidence to support a correction. A review of the applicant's service records confirms her entry on active duty on 2 July 2008 and separation on 25 February 2013, but there is no documentation validating continuous active-duty service from the enlistment date that would account for the additional two months in question. Furthermore, the DA Form 5016 and DFAS correspondence do not provide conclusive evidence to override the official DD Form 214 entry. In the absence of verified documentation supporting the requested adjustment, the Board found no error or injustice and denied relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	XXX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
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.

//SIGNED//
X _____

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 (AR) 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. The DD Form 214 is not intended to have any legal effect on termination of a Soldier's service. DD Form 214:

- item 12c. (Net Active Service this Period) will reflect the amount of service completed this period by subtracting item 12a. from 12b. of the DD Form 214
- item 12d. (Total Prior Active Service) will reflect the total amount of prior active military service from previously issued DD Forms 214.
- Item 12e. (Total Prior Inactive Service) will reflect the total amount of prior inactive service. Delayed Entry Program time that began after 1 January 1985 is not creditable service and will not be entered in this item

3. AR 15-185 (ABCMR) paragraph 2-9 states 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.

//NOTHING FOLLOWS//