

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 August 2025

DOCKET NUMBER: AR20240006717

APPLICANT REQUESTS: in effect:

- Retroactive placement on Title 10 (Armed Forces), U.S. Code, section 12301 (h) (Reserve Components Generally) orders for the period 21 December 2020 through 1 June 2023
- Correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), currently ending 20 December 2020, to show continuous active duty service through 1 June 2023
- Voiding of his DD Form 214 for the period ending 20 December 2020
- Revocation of the following orders and associated amendments:
  - National Guard Bureau (NGB) Orders NG-1015-00010, dated 15 January 2021
  - NGB Orders NG-1200-000014, dated 19 July 2021
  - U.S. Army Medical Command (MEDCOM) Orders MM-1343-00007, dated 9 December 2021
  - MEDCOM Orders MM-2131-00005, dated 11 May 2022
- Retroactive pay and leave accrual for the periods 21 December 2020 through 14 January 2021 and 30 May through 15 July 2021

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

- DD Form 149 (Application for Correction of Military Record)
- Three DA Forms 2173 (Statement of Medical Examination and Duty Status)
- DA Form 199 (Informal Physical Evaluation Board (PEB) Proceedings) with U.S. Army Physical Disability Agency (USAPDA) memorandum
- Department of the Army Mobilization Processing System (DAMPS) Orders Summary
- Two DD Forms 214
- Three NGB memoranda
- NGB Form 23A (Army National Guard (ARNG) Current Annual Statement)
- North Carolina ARNG (NCARNG) Orders with amendments

- Four MEDCOM Orders with amendments
- Two NGB Orders with amendments
- NCARNG memorandum

FACTS:

1. The applicant states, in effect:

- On 12 August 2019, while a member of the NCARNG, Title 10, U.S. Code, section 12302 (Ready Reserve) orders called him to active duty in support of Operation Enduring Freedom (OEF) (Spartan Shield)
- He incurred injuries during a deployment to Southwest Asia, and medical authority referred him into the Integrated Disability Evaluation System (IDES); NGB later determined his injuries were incurred in the line of duty
- Effective 22 September 2020, MEDCOM orders retained him on active duty under the provisions of Title 10, U.S. Code, section 12301 (h): (section 12301 (h) permits a Military Secretary to retain a Reserve Component member on active duty for medical care and/or evaluation)
- Although he remained in the DES process, MEDCOM ended his 12301 (h) orders, on 20 December 2020, and, that same date, the Army honorably released him from active duty (REFRAD); this action led to his first gap in continuous active duty and caused him to lose pay and leave
- On 15 January 2021, NGB orders called him back to active duty, per Title 10, U.S. Code, section 12301 (h), but, despite still being in the DES, those orders ended, on 29 May 2021, and he again lost pay and leave due to the gap in service
- NGB issued another set of orders directing him to reenter active duty, on 16 July 2021 and, once again, cited Title 10, U.S. Code, section 12301 (h) as the authority; he remained on active duty until his honorable REFRAD, on 1 June 2023

2. The applicant provides:

- Documentation pertaining to his injuries, the subsequent line of duty determinations, and the PEB's findings of fit for duty
- Orders calling him to active duty and retaining him in an active duty status for medical treatment and evaluation
- NCARNG memorandum, dated 26 February 2024, requesting the Board expedite the applicant's request for relief

3. A review of the applicant's service record shows the following:

- On 2 December 2016, after completing enlisted and commissioned service in the Regular Army, the applicant executed his oath of office as an NCARNG commissioned officer
  - The applicant provides the NCARNG orders that called him to active duty, effective 12 August 2019, in support of OEF (Spartan Shield); he also includes the MEDCOM orders that retained him on active duty, until 20 December 2020
  - On 20 December 2020, the Army honorably REFRAD him and returned him to the NCARNG; his DD Form 214 shows he completed 1 year, 4 months, and 9 days of active duty service
  - Based on orders provided by the applicant, the NGB called him to active duty, effective 15 January 2021, per Title 10, U.S. Code, section 12301 (h); those orders ended, on 29 May 2021
  - Effective 16 July 2021, NGB orders recalled the applicant to active duty, under the provisions of Title 10, U.S. Code, section 12301 (h); through amendments and subsequent MEDCOM orders, he continued his active duty service
  - On 23 March 2023, an informal PEB found the applicant physically fit for duty and, on 27 March 2023, the USAPDA approved those findings
  - On 1 June 2023, the Army honorably REFRAD the applicant and transferred him back to the NCARNG; the applicant remains a member of the NCARNG; his DD Form 214 indicates he completed 2 years, 5 months, and 1 day of active duty service
4. On 15 April 2025, the NGB provided an advisory opinion and recommended approval of the applicant's requests.
- The NCARNG states the applicant should have been retained on medical care orders until he was "return to duty eligible" or completed the IDES process; the applicant was one of 32 members in an NCARNG combat team who were similarly affected
  - The NGB recommends the issuance of continuous Title 10 orders and that corrections be made to the applicant's DD Forms 214 and NGB Form 23A
5. On 16 April 2025, the Army Review Boards Agency provided the applicant a copy of NGB's advisory opinion for his review and the ability to submit a rebuttal; the applicant did not respond.

BOARD DISCUSSION:

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 review based on law, policy, and regulation. The evidence of record shows the applicant entered active duty on 12 August 2019 and was honorably REFRAD on 20 December 2020 under the provisions of Title 10, USC, section 12302. On 15 January 2021, the applicant was ordered to active duty under the authority of Title 10, USC, section 12301 (h). He was honorably REFRAD on 1 June 2023. The Board reviewed and concurred with the National Guard Bureau's advisory. He was injured while deployed and received an approved line of duty determination, which required additional rehabilitation. He did not receive Title 10, USC, section 12301(H) orders for the period from 21 December 2020 to 14 January 2021 and 30 May 2021 to 15 July 2021 as he should have remained on orders. The Board determined his orders should be amended to reflect continuous active duty service with appropriate leave, pay and allowances.

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 and Army National Guard records of the individual concerned be corrected by:

- amending Orders Number MM-0265-00004A01, Headquarters U.S. Army Medical Command, dated 24 November 2020, to show 21 December 2020 to 14 January 2021
- amending Orders Number NG-1015-00010A01, National Guard Bureau, dated 2 March 2021, to show 30 May 2021 to 15 July 2021
- entitlement to leave, back pay and allowances as a result of this correction
- correction of his NGB Form 23A with applicable time
- Voiding of his DD Form 214 for the period ending 20 December 2020
- issuance of a DD Form 215 to correct his DD Form 214 ending on 1 June 2023 to show continuous service from 12 August 2019 and correcting item 12c to show 3 years, 9 months, and 21 days
- Revocation of the following orders:
  - National Guard Bureau (NGB) Orders NG-1015-00010, dated 15 January 2021
  - NGB Orders NG-1200-000014, dated 19 July 2021
  - U.S. Army Medical Command (MEDCOM) Orders MM-1343-00007, dated 9 December 2021
  - MEDCOM Orders MM-2131-00005, dated 11 May 2022

X //Signed//

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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 (Armed Forces), U.S. Code, section 12301 (h) (Reserve Components (RC) Generally) states:

a. 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 or be medically evaluated for disability or other purposes.

b. 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.

c. 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.

2. Department of Defense Instruction (DODI) 1241.01 (RC Line of Duty Determinations for Medical and Dental Treatments and Incapacitation Pay Entitlements), currently in effect, establishes policy and provides guidance for determining an entitlement to medical and dental treatment and pay and allowances for RC Service members with injury, illness, or disease incurred or aggravated in the line of duty (LOD). Paragraph 3 (Policy) states:

a. An RC Service member is entitled to medical and dental treatment for an injury, illness, or disease that was incurred or aggravated while in a qualified duty status and that is not the result of gross negligence or misconduct.

b. When an RC Service member is on active duty for a period of more than 30 days and, at the scheduled end of that period, has an unresolved in-LOD condition that may render the member unfit for duty under the Disability Evaluation System (DES), but this has not yet been determined by the DES, the member will, with his or her consent, be retained on active duty until he/she is either found for duty or is separated/retired based on DES findings.

3. Army Regulation (AR) 635-40 (Disability Evaluation for Retention, Retirement or Separation), currently in effect, provides policies and procedures for disability evaluation and disposition of Soldiers who may be unfit to perform their military duties due to physical disability. Paragraph 4-2 (Applicability) states:

a. RC Soldiers on active duty orders specifying a period of more than 30 days will, with their consent, be kept on active duty for disability evaluation processing until final disposition.

b. The original orders issuing authority is responsible for coordinating with the U.S. Army Medical Command (MEDCOM) to generate a 12301 (h) order extending the RC Soldier on active duty to complete the DES process. Additionally, the original orders issuing authority is responsible for providing the funding for the 12301(h) order and any temporary duty travel for DES required appointments.

4. AR 600-8-105 (Military Orders), currently in effect, states, in paragraph 2-25 (Amendments, Revocations, and Recissions), that only the organization that published the original order may amend, rescind, or revoke the order.

5. AR 635-8 (Separation Processing and Documents), currently in effect, includes policies and procedures for the preparation of the DD Form 214 (Certificate of Release or Discharge from Active Duty).

a. Paragraph 5-1 (When to Prepare the DD Form 214 ). The DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clearcut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge.

b. Paragraph 5-6l (Rules for Completing the DD Form 214 – Block 12 (Record of Service)). Item 12b (Separation Date This Period) will list the Soldier's separation date. Item 12c (Net Active Service This Period) will show the amount of service completed during the period of the report.

//NOTHING FOLLOWS//