

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 February 2025

DOCKET NUMBER: AR20240007069

APPLICANT REQUESTS: issuance of a DD Form 215 (Correction to DD Form 214 Certificate of Release or Discharge from Active Duty) to reflect active-duty service for attendance at Basic Combat Training (BCT). A personal appearance via video or telephone.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 5181-R (Screening Note of Acute Medical Care), 29 June 1995
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 1 May 2004

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 that he is currently seeking medical care through the Department of Veterans Affairs and was advised that he needed to have a DD Form 215 issued reflective of the dates that he attended BCT. He contests that a DD Form 214 was not issued as verification of his attendance.
3. A review of the applicant's available service records reflects the following:
  - a. On 24 March 1995, the applicant enlisted in the Army National Guard (ARNG) for 8 years under the Split Training Option, with duty as a 95B (Military Police).
  - b. On or about 11 June 1995, the applicant reported to Fort Jackson, SC for BCT.
  - c. On or about 11 August 1995, the applicant completed BCT.
  - d. On 18 June 1996, the applicant entered active duty for the completion of his Advanced Individual Training (AIT).

e. On 6 September 1996, the applicant was released from active duty. DD Form 214 reflects the following:

- item 12a. (Date Entered Active Duty this Period) – 18 June 1996
- item 12b. (Separation Date this Period) – 6 September 1996
- item 12c. (Net Active Service this Period) – 2 months and 19 days
- item 12d. (Total Prior Active Service) – 2 months and 1 day
- item 12e. (Total Prior Inactive Service) – 1 year and 23 days

f. On 7 January 2001, the applicant elected to extend his current enlistment by 3 years.

g. On 2 February 2003, the applicant elected to extend his current enlistment by 3 years.

h. On 7 February 2003, the applicant was ordered to active duty in support of Operation Enduring Freedom.

i. On 1 May 2004, the applicant was honorably released from active duty. DD Form 214 reflects the following:

- item 12a. (Date Entered Active Duty this Period) – 7 February 2003
- item 12b. (Separation Date this Period) – 1 May 2004
- item 12c. (Net Active Service this Period) – 1 year, 2 months, and 25 days
- item 12d. (Total Prior Active Service) – 2 months and 19 days
- item 12e. (Total Prior Inactive Service) – 7 years, 7 months, and 24 days

j. On 5 May 2005, the applicant was honorably released from the ARNG and transferred into the U.S. Army Reserve (USAR) Control Group (Reinforcement).

k. On or about 23 March 2007, the applicant was released from the USAR.

4. The applicant provides a DA Form 5181-R reflective of health care received at a Troop Medical Center, Fort Jackson, SC on 29 June 1995.

#### 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 determined there is sufficient evidence to support correction of the applicant’s DD Form 214. The record shows the applicant enlisted in the Army National Guard (ARNG) on 24 March 1995 under the Split Training Option and subsequently reported to Fort Jackson, South Carolina, on or about 11 June 1995 for Basic Combat Training (BCT), which he completed on or about 11 August 1995. Although his DD Form 214 issued upon completion of Advanced Individual Training (AIT) in 1996 reflects 2 months and 1 day of prior active service, it does not specifically account for the BCT period as a distinct entry.

2. The Board found that the omission of this verified active-duty service constitutes an administrative oversight. The Board recommended relief for issuance of a DD Form 215 to correct item 12d (Total Prior Active Service) of the applicant’s DD Form 214 to reflect “00 years, 04 months, and 20 days,” accounting for his active-duty service during BCT from on or about 11 June 1995 to on or about 11 August 1995. As such, relief is granted to correct his record.

3. The applicant’s request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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 by amending the applicant's DD Form 214 for the period ending 1 May 2004 to show in item 12d (Total Prior Active Service): 00 years 04 months and 20 days.

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, 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. 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 (MOS), even when the active-duty period was less than 90 days; This includes completion of AIT under ARNGUS Alternate Training Program or USAR Split Training Program
    - a. A DD Form 220 (Active-Duty Report) will be completed for a Soldier who enlists under the USAR Split Training Program and the Army National Guard Alternate Training Program when the Soldier completes the BCT portion of their training.
    - b. DD Form 214, item 12d. (Total Prior Active Service) will reflect the total amount of prior active military service.
    - c. 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.
3. AR 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that 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.

//NOTHING FOLLOWS//