

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 April 2025

DOCKET NUMBER: AR20240007173

APPLICANT REQUESTS: a DD Form 214 (Certificate of Release or Discharge from Active Duty) to annotated additional active-duty service time from 14 April 1995 to 27 July 1995.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 220, dated 26 Jul 95
- General Discharge Certificate, Florida Army National Guard, dated 9 May 96

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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 he was on active-duty orders for training and never received a DD Form 214. He was issued a DD Form 220 for completion of a second military occupational specialty (MOS) at Aberdeen Proving Ground, which covers a period of 104 days. He further states that his service record does not accurately reflect his total active duty service periods.
3. A review of the applicant's service record shows:
 - a. He enlisted in the Army National Guard (ARNG) on 23 December 1991.
 - b. He entered active duty on 18 August 1992.
 - c. On 11 February 1993, he was released from active duty with an uncharacterized characterization of service. His DD Form 214 shows he completed 5 months and 24 days of active service with no lost time.

d. A DD Form 220 shows the applicant entered active duty on 14 April 1995 and released from active duty on 27 July 1995 for a period of 104 days by authority of Orders 049-064 dated 30 March 1995 (not available in the service record).

e. Orders 83-19 dated 1 May 1995 awarded the applicant MOS 63W upon successful completion of the 63W course. A diploma shows the applicant completed the Wheel Vehicle Repairer Course on 27 July 1995.

f. Orders P107-035 dated 16 April 1996 discharged the applicant from the Army National Guard with an effective date of 9 May 1996 and transferred him to the U.S. Army Control Group.

g. The applicant's Report of Separation and Record of Service (Automated Separation Document in Lieu of NGB Form 22) shows he was released from the Army National Guard with an effective date of 9 May 1996.

4. A review of the applicant's service record confirms an administrative entry was omitted from his DD Form 214. The administrative entry will be added to his DD Form 214 as an administrative correction and will not be considered by the Board.

5. By regulation (AR 635-8) 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 release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. Paragraph 5-1b. states Reserve Component Soldiers completing 90 days or more days of continuous active duty. For example, such periods may consist of ADOS, contingency operations-ADOS, active duty operational support-RC, AGR, or full-time National Guard duty for operational support.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation showing the applicant served on active duty during the requested period (104 days) and the regulatory guidance on publishing a DD Form 214 for any period of service greater than 90 consecutive days, the Board recommended granting the requested relief.

If in attempting to complete the Board's recommendation it is determined there is insufficient evidence to publish a complete DD Form 214, the Board recommends publishing a certificate of service for 14 April 1995 to 27 July 1995.

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:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by issuing a DD Form 214 for the applicant's military service from 14 April 1995 to 27 July 1995.
2. If in attempting to complete the Board's recommendation it is determined there is insufficient evidence to publish a complete DD Form 214, the Board recommends publishing a certificate of service for 14 April 1995 to 27 July 1995.
3. Prior to closing the case, the Board noted the administrative note below from the analyst of record and recommended that change be completed to more accurately reflect the military service of the applicant.

//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.

ADMINISTRATIVE NOTE(S):

A review of the applicant's service records is sufficient to correct his character of service as "honorable" vice "uncharacterized" for the DD Form 214 for the period ending on 11 February 1993.

REFERENCES:

1. Title 10, U.S. Code, 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 635-8 (Separation Processing and Documents), currently in effect, states 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 release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. Paragraph 5-1b. states Reserve Component Soldiers completing 90 days or more days of continuous active duty. For example, such periods may consist of ADOS, contingency operations-ADOS, active duty operational support-RC, AGR, or full-time National Guard duty for operational support.

//NOTHING FOLLOWS//