

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 May 2025

DOCKET NUMBER: AR20240007993

APPLICANT REQUESTS:

- Active Duty Orders from 20 December 2020 through 25 January 2021 for either Medical Readiness Portal (MRP) end date extension or earlier Reserve Component Manpower System-Medical (RCMC-M) start date for orders gap relief
- Correct overlap of orders
- Personal Appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- List of Supporting Documents
- Orders 29-177-1163 Order to Active Duty (AD) with Amendments
- DA Forms 2173 (Statement of Medical Examination and Duty Status), 31 August 2020 and 9 September 2020
- Orders MM-0260-00025 Retain on AD with Amendment
- Line of Duty (LOD) Determinations 14 October 2020 and 17 December 2020
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 19 December 2020
- Orders NG-1026-00001 Order to AD with Amendments
- Orders MM-1204-00024 Retain on AD with Amendments
- Orders MM-1336-00006 Retain on AD with Amendment
- Document Showing AD Orders Data
- DA Form 2173 (Statement of Medical Examination and Duty Status), 12 March 2021
- LOD Determination, 3 May 2021
- Orders 0001737233.00 Transfer to Permanent Disability Retired List (PDRL)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 28 May 2022
- Orders 0003943497.00 Transfer Orders
- NGB Form 22 (National Guard Report of Separation and Record of Service)
- NGB Form 23A (Army National Guard (ARNG) Current Annual Statement)

- DA Form 5016 (Retirement Accounting Statement)
- Memorandum Request to Expedite
- Department of Defense Instruction 1241.01 (Reserve Component LOD for Medical and Dental Treatments and Incapacitation Pay Entitlements)
- Congressional Email

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, in pertinent part:

- He is requesting either a Medical Readiness Portal (MRP) end date extension or earlier Reserve Component Manpower System-Medical (RCMC-M) start date for orders gap relief
- The orders gap represents breaks in medical coverage
- There is a two day overlap error between transition from RCMC-M to his second set of MRP orders that require retroactive fix
- He was not paid, did not accrue leave or have accurately sponsored benefits as a wounded warrior
- He is missing 1.23 months (37 days) of what should have been continuous Title 10 AD
- He is currently medically retired on the PDRL

3. The applicant provides and his service record shows:

- On 14 May 2012, he enlisted in the ARNG
- On 26 June 2019, he was ordered to active duty in support of Operation Enduring Freedom with a report date of 12 August 2019 for a period of 400 days
- On 17 March 2020, the orders were amended to change his period of AD from 400 days to 430 days
- On 6 June 2020, the orders were amended to change his period of AD from 430 to 483 days
- On 25 September 2020, a memorandum stated a DD Form 214 was voided. He did not demobilize, and was transferred to the Soldier Recovery Unit
- On 5 October 2020, the orders were amended to change his period of AD from 483 days to 406 days
- On 31 August 2020, a Statement of Medical Examination and Duty Status shows he was seen for tinnitus

- On 9 September 2020, a Statement of Medical Examination and Duty Status shows he was seen for spinal osteochondrosis
- On 16 September 2020, he was ordered to be retained on AD to participate in Reserve Component Warriors in Transition Medical Retention Processing with a report date of 21 September 2020 for a period of 60 days, the end date was 19 November 2020
- On 24 November 2020, the orders were amended to change his tour length to 90 days and end date to 19 December 2020
- On 14 October 2020, a LOD Determination found his tinnitus occurred in the LOD
- On 17 December 2020, a LOD Determination found his spinal osteochondrosis occurred in the LOD
- On 19 December 2020, he was honorably released from AD; his period of AD service was from 12 August 2019 through 19 December 2020
- On 26 January 2021, he was ordered to AD to participate in Reserve Component Managed Care with a report date of 26 January 2021 for a period of 70 days and end date of 5 April 2021
- On 16 March 2021, the orders were amended changing his tour length to 130 days and the end date to 4 June 2021
- On 25 May 2021, the orders were amended changing his tour length to 179 days and end date to 23 July 2021
- On 23 July 2021, he was ordered to be retained on AD to participate in Reserve Component Soldier in Transition Medical Retention Processing with a report date of 22 July 2021 for a period of 179 days and an end date of 16 January 2022
- On 4 August 2021, the orders were amended to change the report date to 24 July 2021 and the end date to 18 January 2022
- On 2 December 2021, the orders were amended to change his tour length to 131 days and end date to 1 December 2021
- On 2 December 2021, he was ordered to be retained on AD to participate in Reserve Component Soldier in Transition Army Recovery Care with a report date of 2 December 2021 for a period of 179 days and end date of 29 May 2022; on 12 April 2022, the orders were amended to change his tour length to 178 days and end date to 28 May 2022
- On 12 March 2021, a Statement of Medical Examination and Duty Status shows he was seen for atypical atrial flutter
- On 3 May 2021, a LOD Determination shows his atypical atrial flutter occurred in the LOD
- On 24 March 2022, orders were published transferring him to the PDRL effective 30 May 2022
- On 28 May 2022, he was honorably transferred to U.S. Army Reserve Control Group (Retired) his period of AD was from 26 January 2021 through 28 May 2022

- On 30 May 2022, he was honorably discharged from the ARNG due to placement on the PDRL
- The applicant provides a copy of an ABCMR Docket Number AR20220011892, dated 21 April 2023, for another Soldier with the same issue, in which the Board granted relief
- On 26 February 2024, the Adjutant General from the North Carolina ARNG requested to expedite the ABCMR case

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 review based on law, policy, and regulation. The Board reviewed the applicant's request for correction of military records. The evidence of record confirms the applicant was ordered to active duty on 12 August 2019 pursuant to valid orders, which were subsequently amended on multiple occasions. The applicant sustained an injury while deployed and received an approved line of duty determination, necessitating additional rehabilitation. On 16 September 2020, the applicant was ordered to be retained on active duty to participate in Reserve Component Warriors in Transition Medical Retention Processing under the provisions of Title 10, U.S. Code, section 12301(H).

2. The Board noted his retention orders were amended on multiple occasions and ultimately terminated on 19 December 2020. The applicant's record does not contain Title 10 USC, section 12301(H) orders for the period 20 December 2020 through 25 January 2021, despite evidence that he should have remained on continuous active duty during this time. The Board determined his orders should be amended to reflect continuous active-duty service with appropriate pay and allowances.

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

- amending Orders Number MM-0260-00025A01, Headquarters U.S. Army Medical Command, dated 24 November 2020, to show 20 December 2020 to 25 January 2021
- amending Orders Number MM-1204-00024, Headquarters U.S. Army Medical Command, dated 23 July 2021, to show a start date of 24 July 2021
- entitlement to back pay and allowances as a result of this correction
- correction of his NGB Form 23A with applicable time
- voiding his DD Form 214 ending on 19 December 2020
- issuing a DD Form 214 to capture his time on active duty from 12 August 2019 through 28 May 2022

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, 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 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.

3. Army Regulation 635-8 (Separation Processing) provides that 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 REFRAD, retirement, or discharge. When separation is ordered, the separation approval documents must be present for transition processing to occur. Source documents, as listed below, must be present in a Soldier's record in order to complete the DD Form 214. Source documents will consist of:

- Service Member's Record Brief
- Separation approval documents
- Separation order
- Any other document authorized for filing in the Army Military Human Resources Record

DD Form 214, Item 12b (Separation Date This Period) will contain the Soldier's transition date. This date may not be the contractual date if the Soldier was separated early, voluntarily extends, is extended to make up lost time, or is retained on active duty for the convenience of the Government.

4. Army Regulation 600-8-105 (Military Orders) provides that orders are published to order individuals onto active duty or change the status of military personnel on active duty. Only the organization that published the original order may amend, rescind, or revoke the order. When there is no evidence of fraud or obvious error and the Soldier received actual or constructive delivery, orders discharging a Soldier from the service will not be revoked after the effective date of discharge unless the revocation is a written confirmation of verbal orders issued before the effective date of discharge. An order may be corrected by the organization that published the original order to show the true

state of affairs existing at the time the original order was published. Orders may only be changed to reflect facts that existed when the original order was published.

//NOTHING FOLLOWS//