

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 April 2025

DOCKET NUMBER: AR20240008418

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending on 12 January 2021 to reflect his continuous active duty (AD) service through 27 January 2021.

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

- DD Form 149 (Application for Correction of Military Record)
- Line of Duty Determination, dated 16 December 2020, which reflects his injuries were found and approved to be "In Line of Duty"
- Two (2) DD Forms 214 (Certificate of Release or Discharge from Active Duty) for the periods of AD from 18 August 2019 thru 12 January 2021 and from 28 January 2021 thru 27 May 2021
- AD orders 29-211-0013 and amendments (A2 thru A5) reflect he was ordered to AD for 400 days, amendments increased and reduced the number of days with the final number being 424 AD days
- AD orders MM-0288-00004 and amendment (AO1) reflect he was retained on an AD tour for 60 days, with an end date of 13 December 2020, and was later extended to a 90 day AD tour length, with an end date of 12 January 2021
- AD orders NG-1020-00002 and amendment (AO1) reflect he was ordered to an AD tour for 30 days, with an end date of 26 February 2021, and his tour was later extended to 120 days with an end date of 27 May 2021
- U.S. Installation Management Command (IMCOM) orders reflect he was released from AD and assigned back to his rear detachment, effective 22 October 2023

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, the correction should have been done as he was not paid, did not accrue leave, nor did he have access to sponsored benefits from 13 January 2021

thru 27 January 2021 due to the gap in the orders. He is missing 0.5 months (15 days) of what should have been continuous T-10 AD, 12301(h) AD recovery status IAW DoDI 1241.01, 19 April 2016. He is currently serving as a traditional M-day Officer in the North Carolina Army National Guard (NCARNG).

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

- On 7 May 2014, the applicant enlisted in the South Carolina Army National Guard (SCARNG)
- On 2 March 2017, the applicant entered into an Army Senior Reserve Officers' Training Corps (ROTC) Nonscholarship Cadet Contract, with the date education commences of 9 January 2017 and completion date of 8 May 2018
- He was discharged from the SCARNG on 13 December 2018 under the provisions of NGR 600-200, paragraph 6-35b(4), discharge on appointment as a commissioned or warrant officer
- He took the Oath of Office on 14 December 2018 as a Second Lieutenant
- On 30 July 2019, the applicant was ordered to AD in support of Operation Enduring Freedom (Spartan Shield), with a report date of 19 August 2019 for a period of 400 days
- On 16 March 2020, the applicant's AD orders were amended from 400 to 430 days
- On 2 June 2020, the applicant's AD orders were amended from 430 to 477 days
- On 5 September 2020, the applicant's order was amended to add the Fiscal Year (FY)21 Line of Accounting Code
- On 23 October 2020, the applicant's AD orders were amended from 477 to 424 days
- On 14 October 2020, the applicant received orders retaining him on AD, with a report date of 15 October 2020, for a period of 60 days and an end date of 13 December 2020
- On 14 December 2020, the applicant's Retain on AD orders were amended to reflect the purpose type as extension, tour length from 60 to 90 days, and an end date of 12 January 2021

- On 20 January 2021, the applicant was ordered to AD, with a report date of 28 January 2021, for a period of 30 days including accumulated leave, with an end date of 26 February 2021
- On 25 February 2021, the applicant's AD orders were amended to reflect his end date changed from 26 February 2021 to 27 May 2021 and his tour length from 30 to 120 days
- On 21 July 2023, U.S. Army IMCOM issued Orders 202-0595 releasing the applicant from active duty and assigned him back to his rear detachment, effective 22 October 2023

4. National Guard Bureau advisory opinion, dated 4 February 2025, recommended approval and states:

"It is the recommendation of this office that the applicant's request be approved. Soldier should be on continuous title 10 orders from deployment, 18 August 2019 until 27 May 2021 IAW DoDI 5124.05 and title 10 U.S. Code 12301(h) when the Soldier returned to full duty. Soldier's records should be updated to include his NGB 23A and DD Form 214."

5. In reaching its determination, the Board can consider the applicant's petition and his service record in accordance with the published equity, injustice, or clemency determination guidance.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was/was not warranted. The Board carefully considered the applicant's record of service, the advisory opinion, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. The Board concurred with the advisory official finding the applicant provided substantiating evidence to show he remained on continuous Title 10 orders from 18 August 2019 until 27 May 2021. The governing regulation provides that at separation the service member's record will be used to enter accurate information when completing their DD Form 214. Upon review of the applicant's petition, available military records, and the advisory opinion, the Board determined correction to his DD Form 214 for the service period ending 12 January 2021 was warranted to accurately reflect a date of discharge of 27 January 2021.

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 reissuing the applicant's DD Form 214 for the period ending 12 January 2021 showing:

- Item 12b (Separation Date This Period) – 2021 01 27
- Item 12c (Net Active Service This Period – 0001 05 10

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 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.

3. AR 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//