

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 March 2025

DOCKET NUMBER: AR20240008434

APPLICANT REQUESTS: in effect, correction of his service credit and amend his DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect the change.

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

- DD Form 149 (Application for Correction of Military Record)(online)
- National Guard Bureau (NGB) Memorandum for Record (MFR), Subject: Release from Active Duty (REFRAD) Notification, 20 November 2020
- Orders 063-14, 4 March 2021
- DD Form 214, 31 August 2021
- NGB Letter, Subject: REFRAD Letter, 13 May 2024

FACTS:

1. The applicant states in August of 2020 ARNG conducted a REFRAD board, from which he was released from active duty. A subsequent Inspector General (IG) investigation determined that incorrect total scores were used to generate the official Order of Merit List (OML). As a result, he was erroneously released from active duty. He was not planning on retiring in 2021 as his Mandatory Removal Date (MRD) was not until 16 December 2024. He would like his service dates to include the time period between 1 September 2021 and 16 December 2024 added to his record and a new DD Form 214 issued reflecting that change. He was REFRAD on 31 August 2021 and retired that day based on the determination of the REFRAD Board.

2. The applicant provides:

a. Orders 063-14, 4 March 2021 shows the applicant was REFRAD. Effective date: 31 August 2021 from the ARNG and placed on the retired list on 1 September 2021.

b. NGB letter, Subject: REFRAD letter, 13 May 2024, Deputy Director, ARNG shows a subsequent IG investigation determined that incorrect total scores were used to generate the official OMLs for the board.

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

a. He had prior enlisted service in the Regular Army, the U.S. Army Reserve (USAR) and ARNG.

b. The applicant entered active duty on 17 October 1990. His DD Form 214 shows he was REFRAD and transferred to the USAR on 19 May 1995. He completed 2 years, 1 month and 25 days net active service.

c. He was appointed a Reserve commissioned officer in the rank of second lieutenant/2LT on 17 December 1994.

d. The applicant entered active duty on 20 February 1995. His DD Form 214 shows he was REFRAD and transferred to the USAR on 11 December 1992. He completed 3 months net active service.

e. Orders 307-004, 3 November 1997, appointed the applicant in the ARNG in the grade of first lieutenant/1LT. Effective date: 21 October 1997.

f. He entered active duty as a member of the ARNG on 11 April 2002.

g. MFR, Subject: Notification of Promotion Status, 27 April 2017, reflects the applicant was selected for promotion to the grade of colonel/COL.

h. NGB MFR, Subject: REFRAD Notification, 20 November 2020 reflects the T10 Active Guard Reserve (AGR) board convened in August 2020 and the applicant's records were review; he was selected for release from the T10 AGR program.

i. ARNG Current Annual Statement, 14 April 2021 shows total points for retired pay 8292 and creditable service for retired pay 28 years, 1 month and 25 days.

j. He was honorably retired on 31 August 2021. His DD Form 214 shows he completed 19 years, 4 months, and 20 days net service this period with prior active service of 2 years, 9 months, and 3 days. He served in Iraq from 28 July 2008 through 14 February 2009.

k. Orders 0001366975, 2 September 2021, shows the applicant was transferred to the USAR Retired Reserve. End/Termination date: 31 August 2021. His ARNG Current Annual Statement, 4 September 2021 shows total points for retired pay 8555 and creditable service for retired pay 28 years, 10 months and 14 days.

l. Orders 241-006, 29 August 2022, shows the applicant was placed on the State Military retired list on 1 September 2021.

4. In the processing of this case an advisory opinion was obtained, 5 March 2025, from the Chief, Personnel Policy Division of the NGB, who opined in pertinent part:

a. Recommendation. Approval. After review of the Soldier's submission, records, and discussion with ARNG Personnel Division, the dates of service should be amended. The DD Form 214 should be corrected to reflect a separation date of 31 December 2024. The retirement order should be amended to reflect a retirement date of 31 December 2024, with placement on the retired list effective 1 January 2025. The applicant is entitled to active duty pay and allowances for the adjustment to the retirement date.

b. It is the recommendation of this office that the applicant's request be approved.

c. The ARNG G1 Personnel Actions Branch concurs with this recommendation.

5. The applicant was provided with a copy of the advisory opinion, 11 March 2025 with an opportunity to respond. No response received as of 25 March 2025.

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. Upon review of the applicant's petition and available military records, the Board concurred with the NGB advisory opinion finding that an error occurred and the applicant's DD Form 214 should be corrected to reflect a separation date of 31 December 2024. The applicant's retirement order should be amended to reflect a retirement date of 31 December 2024, with placement on the retired list effective 1 January 2025. In addition, the applicant is entitled to active duty pay and allowances for the adjustment to the retirement date. Therefore, the Board determined relief was warranted and granted relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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:

- Amend Orders 0001366975, 2 September 2021, to reflect a retirement date of 31 December 2024, with placement on the retired list effective 1 January 2025
- Amend Orders 241-006, 29 August 2022, to show the applicant was placed on the State Military retired list on 1 January 2025
- Direct DFAS to provide all active duty pay and allowances for the adjustment to the retirement date of 31 December 2024
- Issue a new DD Form 214 with the ending period reflecting 31 December 2024

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. Army Regulation (AR) 635-8 (Separation Processing and Documents), currently in effect, prescribes the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active-duty service or control of the Active Army. 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.
2. Title 10, USC, section 1552 states The Secretary of a military department may correct any military record of the Secretary's department when the Secretary considers it necessary to correct an error or remove an injustice.
3. Army Regulation (AR) 37-104-4 (Military Pay and Allowances Policy) states, only the Director, DFAS-IN may make settlement actions affecting the military pay accounts of Soldiers as a result of correction of records by the ABCMR per provisions of AR 15-185.
4. Definition: The Army's Order of Merit List is a ranked list of Soldiers, used to inform human resource decisions, including promotion, assignment, and retention, based on merit rather than seniority. The OML is generated by centralized selection boards and is used to identify the most qualified Soldiers for various opportunities.
5. National Guard Regulation (NGR) 600-100 (Commissioned Officer Federal Recognition and Related Personnel Activities) provides procedures for processing all applications for Federal recognition, waivers, revises the list of documents required for appointment, and states that a commissioned officer who has been promoted by the State and extended Federal Recognition in the higher grade will be concurrently promoted to the higher grade in the Reserve of the Army with assignment to the Army National Guard. Federal recognition will be extended by the Chief, NGB to those officers found qualified by the board and approved by the Secretary of the Army after Senate confirmation of appointment. The effective date of Federal recognition will be the date of Senate confirmation if vacancies exist within the statutory limitation prescribed by Title 10, USC, section 3218, or, if no vacancies exist at that time, on the date such vacancies occur.
6. National Guard Regulation (NGR) 600-100 (Commissioned Officers Federal Recognition and Related Personnel Actions) states the promotion of officers in the ARNG is a function of the State. A commissioned officer who has been promoted by the State and extended Federal Recognition in the higher grade will be concurrently promoted to the higher grade in the Reserve of the Army with assignment to the ARNGUS.

7. Army Regulation 135-175 (Separation of Officers) prescribes the policies, criteria, and procedures governing the separation of Reserve officers of the Army.

a. Chapter 2–17. Authority to initiate involuntary separation Initiation of involuntary separation may be originated by one of the following officials:

(1) The SECARMY, the Chief of Staff, and such officials as are designated by them.

(2) The Surgeon General, TJAG, and the Chief of Chaplains for officers within their branches.

(3) The DCS, G–1, when recommendations are made by HQDA promotion, school, or command selection boards that an officer should be required to show cause for retention in an active status. The DCS, G–1 or their designated representative in the grade of major general or above will review such names and decide if initiation of elimination is appropriate.

b. Discharge Criteria: Chapter 4–3. Removal from an active status:

(1) Members of the USAR will be removed from an active status for any of the reasons in paragraphs 4–3a(1) through 4–3a(17), with or without the officer’s consent, regardless of the length of commissioned service (see AR 140–10). Removal will be by discharge characterized as Honorable, transfer to the Retired Reserve (if eligible and the member applies) or, if eligible, transfer to the Standby Reserve (Inactive Status List).

(2) Failure to earn sufficient retirement points for retention. A one-time exception may be authorized for officers (other than commissioned WOs) by the area commander (for officers assigned to a troop program unit (TPU)) or CG, HRC for those under the jurisdictional control of HRC.

//NOTHING FOLLOWS//