

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 May 2025

DOCKET NUMBER: AR20240008991

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 5 March 2009 to show item 12a (Dated entered AD This Period) as 2005 02 05.

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

- Online Application
- Army Service Records (23 pages), dated 10 February 2004 to 5 March 2009

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 the date in item 12a was entered incorrectly when he was released from active duty at Fort Benning in 2009. He did not realize the date was incorrect until he started preparing for retirement. Mobilization (MOB) Order 05-033-00123, dated 2 February 2005, reflects the accurate date he reported to Fort Benning, GA, as 5 February 2005.

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

a. Following an honorable enlisted period of service in the Army National Guard of the United States, he accepted an appointment as a Reserve Commissioned Officer of the Army on 25 August 1989.

b. He transferred to the U.S. Army Reserve on 31 August 1998.

c. The following orders show he was ordered to active duty in support of Operation Noble Eagle, with a report date of 5 February 2005:

- Permanent Orders E0152 dated 10 February 2004
- Orders 05-033-00123 dated 2 February 2005; later amended by Orders 05-034-00164 dated 3 February 2005 and Orders 06-025-00053 dated 25 January 2006

d. Orders 06-094-00103 dated 4 April 2006 and Permanent Orders F0193 dated 5 April 2006, ordered him to active duty in support of Operation Enduring Freedom, for a period of 305 days, with a report date of 6 April 2006.

e. Orders A-12-631253 dated 20 December 2006, amended by Orders A-12-631253A01, ordered him to active duty for the purpose of contingency operation for active duty support, for a 1-year period, with a report date of 5 February 2007.

f. Orders A-01-801803 dated 29 January 2008, ordered him to active duty for contingency operation for active duty operational support, for 11 months and 30 days, with a report date of 5 February 2008.

g. Orders A-02-903-905, dated 3 February 2009, retained him on active duty for the purpose of medical retention processing.

h. He was honorably released from active duty on 5 March 2009. His DD Form 214 contains the following entries:

- Item 12a: 2005 05 05
- Item 12c (Net Active Service This Period): 0004 00 11
- Item 18 (Remarks): USC Title 10 12302 MOB from 20050205 to 20070204 // USC Title 10 12301(D) CO TTAD from 20070205 to 20090305

i. Orders C10-498683, dated 2 October 2024 placed the applicant on the retired list, effective 13 April 2025.

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 multiple documentation in the applicant's record showing a report date of 5 February 2005, including Orders: 05-033-00123, dated 2 February 2005, the Board concluded there was sufficient evidence to change the entry date of the applicant's DD Form 214 for the period ending 5 March 2009, to reflect 5 February 2005.

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 Army records of the individual concerned be corrected by amending the applicant's DD Form 214 by correcting the applicant's DD Form 214 for the period ending 5 March 2009 to show:

- item 12a (Dated entered AD This Period) as 2005 02 05
- item 12c (Net Active Service This Period) as 0004 01 01

//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.

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 Army Board for Correction of Military Records (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 635-5 (Separation Documents), in effect at the time, prescribed the separation documents that must be prepared for Soldiers at the time of retirement, discharge, or release from active duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214 (Certificate of Release or Discharge from Active Duty).

a. In pertinent part, the regulation states the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty retirement or discharge.

b. The date entered in Item 12a (Date Entered AD This Period) should be the beginning date of the enlistment period or tour of active duty for which a DD Form 214 was not previously issued.

//NOTHING FOLLOWS//