

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 April 2025

DOCKET NUMBER: AR20240009017

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 30 January 2018, to show in:

- Item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized): Army Achievement Medal
- Item 18 (Remarks): Email as [REDACTED] vice [REDACTED]
- Item 19a (Mailing Address After Separation) **** [REDACTED]
- Item 19b (Nearest Relative) J- M- S-
- Item 28 (Narrative Reason for Separation) Disability, Permanent

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 638 (Recommendation for Award) and Army Achievement Medal Certificate
- DD Form 214
- Permanent Disability Retirement List (PDRL) orders
- Removal from the Temporary Disability Retirement List (TDRL) Notification

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 is requesting the correction to precisely document his military record, encompassing contact details, decorations, and the narrative reason for separation. He has received a memorandum for termination from the TDRL and placement on the Permanent Disabled Retired List (PDRL) on 16 December 2020.
3. The application provides:

a. A certificate for award of the Army Achievement Medal with Permanent Order 043-009, 12 February 2018. His DD Form 214 does not show the award in item 13.

b. U.S. Army Physical Disability Agency Orders, 16 December 2020, which shows he was placed on the TDRL on 31 January 2018 and was permanently retired on 16 December 2020 due to disability.

4. The applicant's service record shows:

- On 14 September 2015, he enlisted in the Regular Army
- On 19 May 2017, he completed a Record of Emergency Data, which shows he is single and has no children
- On 4 December 2017, Orders placed him on the TDRL effective 30 January 2018
- On 30 January 2018, he was honorably discharged:
 - Item 18: shows his email as [REDACTED]
 - Item 19a: shows a mailing address in Tacoma, Washington
 - Item 19b: shows S- S-
 - Item 28: shows disability, temporary (enhanced)
- On 2 December 2020, a formal Physical Evaluation Board found him physically unfit for duty and recommended he be permanently retired due to disability

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial 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 determined there was sufficient evidence to show the applicant was awarded the Army Achievement Medal for meritorious Service while assigned to the Madigan Army Medical Center. Based on this, the Board granted partial relief.

2. Upon review of the applicant's petition and available military records, the Board found no error or injustice to warrant correction of the email address, nearest relative, mailing address after separation, and narrative reason for separation shown on the applicant's DD Form 214. The DD Form 214 provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge.

3. By regulation, a DD Form 214 is not prepared for Soldiers who are removed from the TDRL, regardless of whether they are discharged or retired for permanent disability. Time spent on the TDRL is not active service.

BOARD VOTE:Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
XXX	XXX	XXX	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 partial relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending the DD Form 214 for the period ending 30 January 2018 to show award of the Army Achievement Medal.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to any other requested relief not mentioned above.

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, establishes the policies and provisions for the preparation and distribution of the DD Form 214. It states the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. It states a DD Form 214 will not be prepared for personnel removed from the TDRL. The following is in regard to completing the DD Form 214:

a. Block 18: Use this block for HQDA mandatory requirements when a separate block is not available; as a continuation for entries in blocks 9, 11, 13, and 14; or for conditional entries - Mandatory entry: "The information contained herein is subject to computer matching within the Department of Defense (DOD) or with any other affected Federal or non-Federal agency for verification purposes and to determine eligibility for, and/or continued compliance with, the requirements of a Federal benefits program."

b. Block 19a is provided by the Soldier and must be a permanent address for mailing purposes. Civilian penal institutions will not be accepted. The "permanent" address serves as a basis for contacting a Soldier within a short time after separation in the event the need arose.

c. Block 19b (Nearest Relative) is provided by the Soldier and should reflect the name and address of a relative who would know the Soldier's location and address. If a relative is not available, list a close friend. Neither address is intended to be changed or updated each time the individual or family member relocates following a Soldier's separation.

d. Block 28 (Narrative Reason for Separation) This is based on regulatory or other authority and can be checked against the cross reference in Army Regulation 635-5-1.

3. Army Regulation 635-5-1 (Personnel Separations – Separation Program Designator (SPD) Codes), in effect at the time, prescribes the specific authorities, reasons for separating Soldiers from active duty, and the SPD codes to be entered on DD Form 214. It shows code SEK is used for Disability, Temporary (Enhanced).

4. Army Regulation 635-40 (Physical Evaluation for Retention, Retirement, or Separation), in effect at the time, established the Army Physical Disability Evaluation

System and set forth policies, responsibilities, and procedures that governed the evaluation for physical fitness of Soldiers who might be unfit to perform their military duties because of physical disability.

a. The TDRL was used in the nature of a "pending list." By law, Soldiers could be placed on the TDRL for a period of no more than 5 years. The Physical Evaluation Board (PEB) recommends placement on the TDRL when it determined:

- the Soldier was unfit for continued military service
- their condition(s) were considered to either be temporary or unstable in nature
- at the time of placement on the TDRL, they were eligible for a disability rating of 30 percent or more

b. Soldiers on the TDRL underwent periodic medical examinations which determined if the condition(s) had stabilized. If considered stable, a PEB would then, prior to the expiration of the 5-year time limit, make a final rating determination.

c. If the PEB found the condition was still unfitting, it then made an assessment as to an appropriate disability rating. If the rating was 30 percent or more, the Soldier could be placed on the Permanent Disability Retired List. If less than 30 percent, the Soldier could be separated with severance pay.

//NOTHING FOLLOWS//