

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 March 2025

DOCKET NUMBER: AR20240010219

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending on 20 September 1985, to show in item 12a (Date Entered AD this Period) 19 September 1977 vice 26 March 1980.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record).

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 effect:
 - DD Form 214 period of service, 26 March 1980 to 10 September 1985, does not reflect his initial entrance date of 20 September 1977
 - He was a member of the boxing teams on Fort Bragg, NC and Fort Hood, TX, and is now showing signs of neurological disorders
 - His initial enlistment discharge would have been honorable had he not reenlisted
3. A review of the applicant's service records show the following:
 - On 20 September 1977, he enlisted in the Regular Army; he was discharged on 25 March 1980 for immediate reenlistment
 - On 26 March 1980, he reenlisted for a period of 6 years and was issued an Honorable Discharge Certificate
 - Permanent Orders Number 178-44 dated 23 September 1980 awarded the applicant the Army Good Conduct Medal for exemplary behavior, efficiency, and fidelity from 20 September 1977 to 19 September 1980
 - DA Form 2-1 (Personnel Qualification Record) shows in item 35 (Record of Assignments), section VII (Current and Previous Assignments) his effective date of duty was 20 September 1977

- DA Form 2-2 (Insert Sheet to DA Form 2-1 Record of Court-Martial Conviction) shows a conviction of a General Court-Martial adjudged on 13 May 1983; he received the following punishment: reduction to E-1, 13 months of confinement with hard labor, total forfeiture, and a bad conduct discharge for violation of Article 134 (distribution marijuana)
- On 10 September 1985, he was discharged from active duty with a bad conduct characterization of service. It also shows on his DD form 214 in items:
 - 12a (Date Entered Active Duty this Period) 26 March 1980
 - 12b (Separation Date this Period) 10 September 1985
 - 12c (Net Active Service this Period) 4 years, 5 months, and 22 days
 - 12d (Total Prior Active Service) 2 years, 6 months, and 6 days
- On 8 January 2025, the applicant was sent a request letter to provide medical documents that support his Traumatic Brain Injury (TBI) claim within 30 days of the date of the letter; he did not respond
- The applicant's request is not for a medical concern or issue but for service credit and does not require a medical review

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board determined partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the information reflected in block 12d of the applicant's DD Form 214 for the period ending 10 September 1985, the Board concluded the requested period of service was properly annotated and accounted for; therefore, the Board recommended changing the entry date, as requested.

2. Based upon the applicant's requested relief and the lack of evidence of a DD Form 214 for the contested period of military service, the Board recommended publishing a certificate of service to the applicant for the period 19 September 1977 to 25 March 1980.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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 the Army records of the individual concerned be corrected by publishing a certificate of service to the applicant for the period 19 September 1977 to 25 March 1980.

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 adding additional military service to the applicant's contested DD Form 214.

//SIGNED

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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 (AR) 635-5 (Separation Documents) in effect at the time dated 1 October 1979 ended the requirement to produce a DD Form 214 upon discharge for immediate reenlistment.
3. AR 635-8 (Separation Processing and Documents) states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clearcut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. Block 12a; Date Entered Active Duty This Period. Data sources are enlistment contract(s), initial order to active duty, active duty order, previously issued DD Forms 214, DA Form 1506 (Statement of Service – For Computation of Length of Service for Pay Purposes), and a complete review of the Soldier's official record. Enter the beginning date of the continuous period of active duty for issuance of this DD Form 214, for which a DD Form 214 was not previously issued.

//NOTHING FOLLOWS//