

IN THE CASE OF: ██████████

BOARD DATE: 14 August 2025

DOCKET NUMBER: AR20240010581

APPLICANT REQUESTS: in effect, issuance of a DD Form 214 (Certificate of Release or Discharge from Active Duty) and a personal appearance hearing before the Board via video or telephone.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States), 16 August 1994
- DD Form 4, Immediate Reenlistment, 19 August 1997
- Six (6) Leave and Earnings Statements (LES)
- Email Correspondence, 13 May 2025

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, he served in the Regular Army (RA) for 5 years, reenlisting after 3 years and does not have a DD Form 214.
3. The applicant's Official Military Personnel File contains the following documents:
  - a. DD Form 4 which shows he enlisted in the RA on 9 November 1994.
  - b. DD Form 4 which shows he reenlisted in the RA on 19 August 1997.
  - c. Special Court-Martial Order Number 3, Headquarters, U.S. Army Signal Center and Fort Gordon, GA, 5 April 1999, which shows he was found guilty of wrongfully using marijuana between 9 November and 9 December 1997.

d. General Court-Martial Order Number 9, Headquarters, U.S. Army Signal Center and Fort Gordon, GA, 12 April 1999, which shows he was found guilty of escape from pre-trial confinement on or about 2 August 1998 and the lesser included offense of being absent without authority from 8 October to 3 November 1998.

e. General Court-Martial Order Number 2, Headquarters, U.S. Army Signal Center and Fort Gordon, GA, undated, which states, in part....Article 71(c) having been complied with, the bad conduct discharge will be executed.

4. The applicant provided the aforementioned DD Forms 4 and several LES'.

5. Army Regulation 15-185 (ABCMR) states an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

6. The DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active-duty service at the time of release from active duty, retirement, or discharge.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was partially warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined that the applicant is authorized a Statement of Service for the period of 9 November 1994 to 21 January 1999 when he was ordered to be discharged pursuant to a General Court Martial Order. There the Board determined partial relief was warranted.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1    Mbr 2    Mbr 3

GRANT FULL RELIEF

█	█	█	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by issuing the applicant a Statement of Service for the period 9 November 1994 to 21 January 1999.

2. The Board further determined that 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 in excess of the above.

8/15/2025

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 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), then in effect, established the standardized policy for preparing and distributing the DD Form 214. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service. It is important that information entered on the form should be complete and accurate. The DD Form 214 is a summary of a Soldier's most recent

period of continuous active duty. It provides a brief, clear-cut record of active duty service at the time of release from active duty, retirement, or discharge.

3. Chapter 2 of Army Regulation 635-5 contains guidance on the preparation of the DD Form 214. Paragraph 2-7 of Army Regulation 635-5 states that a DD Form 214 is not issued to replace record copies or DD Forms 214 lost by Soldiers. If no DD Form 214 is available, issue a statement of service or transcript of military record.

4. The presumption of administrative regularity in the conduct of governmental affairs can be applied to any review unless there is substantial credible evidence to rebut the presumption. In this instance, the "presumption of regularity" is based on Army Regulation 15-185, which states the ABCMR begins its consideration of each case with the presumption of administrative regularity and that the applicant has the burden of proving an error or injustice by a preponderance of the evidence.

5. Army Regulation 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//