

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 April 2025

DOCKET NUMBER: AR20240010769

APPLICANT REQUESTS: commission reinstatement.

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

- DD Form 149 (Application for Correction of Military Record)
- National Personnel Records Center letter, 22 May 2024 – advising the applicant to submit his request for record correction to this Board
- Self-authored letter – indicative of the applicant's willingness to continue to serve and defend this country; falsely advised to resign his commission

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 pertinent part that he previously served as a commissioned officer at the rank of second lieutenant in June 1967
3. A review of the applicant's available service records reflects the following:
 - On or about 12 November 1963 – the applicant was ordered to active duty in an enlisted status
 - On 13 May 1964 – the applicant was released from active duty and returned to the Army National Guard (ARNG)
 - On 26 June 1967 (Special Orders Number 148) – the applicant was appointed a commission by the State of OK
 - On 12 July 1967 (Special Orders Number 134AR) – the applicant was extended Federal recognition of his initial appointment in the OKARNG at the rank of second lieutenant (2LT)/O-1, effective 26 June 1967
 - On 14 April 1969 (Special Orders Number 89) – the applicant was honorably separated from the OKARNG, effective 16 April 1969; upon termination of

Federal recognition the applicant would become a member of the U.S. Army Reserve Control Group (Standby)

- On 29 April 1969 (Special Orders Number 82AR) – announced the withdrawal of the applicant's Federal recognition, effective 16 April 1969
- On 15 November 1971 – the applicant was advised that his appointment as a commissioned officer in the USAR had been vacated upon his enlistment in the OKARNG on 13 March 1971

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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 there is insufficient evidence to support the applicant's contentions to have his commission reinstated. The Board determined the applicant lost his ARNG commission and federal recognition with his break in service and enlistment into the USAR. Based on this, the Board denied relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.



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. National Guard Regulation 635-100 (Termination of Appointment and Withdrawal of Federal Recognition) Section 5 (Criteria), subparagraph 3 (Resignation) provides that an officer may tender a resignation through channels to the State Adjutant General (AG).

a. Unless contrary to law, the appointment of an officer should be terminated upon becoming a member of the U.S. Army Reserve or failing to qualify for permanent or continued flying status and not transferred to an authorized non-flying position for which otherwise qualified or transferred into the Inactive Army National Guard. Appointment should also be terminated for individuals appointed as a second lieutenant before 29 February 1976, who fail to complete a branch or basic entry specialty qualification course before completing 3 years of commissioned service in an active status.

b. If accepted, the AG will publish orders separating the officer from the Army National Guard (ARNG). The resignation may also be concurrent from the ARNG and the U.S. Army Reserve for officers without a remaining service obligation. When the resignation has been accepted and Federal recognition withdrawn, revocation of the

separation order will not be considered as a basis for restoration of Federal recognition. If the officer desires to be reinstated, he must apply for reappointment to the ARNG.

//NOTHING FOLLOWS//