

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 April 2025

DOCKET NUMBER: AR20240010795

APPLICANT REQUESTS: restoration of her Montgomery GI Bill educational benefits.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty) for service ending 2 October 2020
- DD Form 256 (Honorable Discharge Certificate), shows the applicant was honorably discharged from the Regular Army on 15 January 2014

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:

- Her first term of service was honorable
- DD Form 214, block 18 (Remarks) states the service member completed first full term of service
- Though her second term she received a General Under Honorable Conditions character of service, her Montgomery GI Bill educational benefits should be restored

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

- On 10 March 2011, the applicant enlisted in the Regular Army (RA)
- On 16 January 2014, the applicant reenlisted in the RA
- On 7 November 2016, the applicant reenlisted in the RA
- On 29 May 2018, the applicant reenlisted in the RA
- On 4 November 2019, the applicant:

- Was notified of her commander intend to initiate separation for misconduct under the provisions of Army Regulation (AR) 635-200 (Active Duty Enlisted Administrative Separations), chapter 14-12c, and recommended a General Under Honorable Conditions discharge, specifically for:
 - On or about 12 August 2019, lying about her marriage
 - On or about 6 August 2019, lying about her marriage
 - On or about 3 August 2019, violating a military protective order
 - Between 3 August 2019 and 14 August 2019, editing her date of marriage on the Commonwealth of Virginia marriage register with intent to deceive
- The applicant acknowledged receipt of the notice of separation
- The applicant:
 - Requested consideration by an administrative separation board
 - Requested a personal appearance before the administrative separation board
 - Did not submit statements in her own behalf
 - Requested representation by counsel
 - May encounter substantial prejudice in civilian life
 - May be ineligible for many or all benefits as a Veteran under Federal and State laws
 - My apply to the Army Discharge Review Board or Army Board for Correction of Military Records for discharge upgrade
 - Consideration by either board does not imply the discharge would be upgraded
- On 14 April 2020, a mental health evaluation was completed on the applicant and she was diagnosed with a behavioral health disorder; she had no evidence of mental disease of sufficient severity to impact her ability to participate in administrative proceedings
- On 11 September 2020, the separation authority approved the applicant's discharge and directed a General Under Honorable Conditions discharge
- On 2 October 2020, the applicant was discharged from active duty under the provisions of AR 635-200, chapter 14-12c for misconduct with a general under honorable conditions characterization of service; block 18 shows the applicant completed her first full term of service and she completed 9 years, 6 months, and 23 days of net active service

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation showing the applicant received a General, Under Honorable Conditions separation and the Montgomery GI Bill qualifications requiring a Honorable characterization of service, the Board concluded there was insufficient evidence or justification to change the applicant's military record.
2. The Board wished to inform the applicant that educational benefits are a Department of Veteran's Affairs program and the ABCMR has no authority to restore VA benefits.
3. Prior to closing the case, the Board noted the applicant completed a prior period of honorable service which is not properly annotated on the DD Form 214 and, therefore, the Board recommended making the change to more accurately annotated the applicant's military service.

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

1. 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.
2. Prior to closing the case, the Board noted the applicant completed a previous period of honorable service which is not properly annotated on the DD Form 214; therefore, the Board recommended adding the statement "Continuous Honorable Service from 10 March 2011 to 28 May 2018" to block 18 (REMARKS) of the applicant's DD Form 214.

//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 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. Title 38 United States Code (USC), section 3011 (Basic educational assistance entitlement for service on active duty), (a) Except as provided in subsection (c) of this section, each individual who, during the period beginning 1 July 1985, and ending 30 September 2030, first becomes a member of the Armed Forces or first enters on active duty as a member of the Armed Forces and who in the case of an individual whose obligated period of active duty is three years or more, serves at least three years of continuous active duty in the Armed Forces, or in the case of an individual whose obligated period of active duty is less than three years, serves at least two years of continuous active duty in the Armed Forces. Who, after completion of the service described in clause (1) of this subsection is discharged from active duty with an honorable discharge; is released after service on active duty characterized by the Secretary concerned as honorable service and is placed on the retired list is entitled to basic educational assistance under this chapter.

3. Department of Defense Instruction 1322.16 (Montgomery GI Bill Program), establishes policy, assign responsibilities, and provide procedures for implementation of the All-Volunteer Educational Assistance Program, also known and referred to in this issuance as the "Montgomery GI Bill (MGIB) Program. Eligible individuals who do not decline the MGIB Program will be entitled to educational assistance, as determined and adjudicated by the Department of Veterans Affairs (VA) under Chapter 30 of Title 38, U.S.C. They are entitled to 36-months of benefits but must first meet MGIB Program eligibility requirements established under Chapter 30 of Title 38, U.S.C., including completing 36-months of active duty (24-months if enlistment is for less than 36 months) and an honorable discharge for service establishing entitlement to the MGIB (does not include "under honorable conditions"). Active duty members have 10-years from the date of last discharge from active duty to use MGIB benefits.

//NOTHING FOLLOWS//