

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 August 2025

DOCKET NUMBER: AR20240011233

APPLICANT REQUESTS: in effect, entitlement to Reduced Age Retirement effective 14 February 2024.

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) – reflective of the applicant's service on active-duty from 1 March 2009 – 28 February 2010 in support of Operation Enduring Freedom in accordance with Title 10 U.S.C. 12302
- Orders Number 09-055-00034, 24 February 2009 – reflective of the applicant being ordered to active duty for 365 days effective 1 March 2009 in support of Operation Enduring Freedom (Other than Homeland)
- Orders Number 069-0392, 10 March 2009 – reflective of the applicant being deployed on Temporary Change of Station orders effective 10 March 2009 for a period not to exceed 365 days in support of Operation Enduring Freedom (Other than Homeland)

FACTS:

1. The applicant states in part that:

- He is currently assigned to the Retired Reserve
- He was mobilized in 2009 for 365 days in support of Operation Enduring Freedom
- Current Reduced Age Retirement reflects 15 February 2025

2. A review of the applicant's service records reflect the following:

- On 17 October 1988 – the applicant enlisted in the U.S. Army Reserve
- On 24 February 2009 (Orders Number 09-055-00034) – the applicant was ordered to active duty for 365 days effective 1 March 2009 in support of Operation Enduring Freedom (Other than Homeland)

- On 28 February 2010 – the applicant was honorably released from active duty; he completed 1 year of net active service this period
- On 23 November 2017 – the applicant was issued his Notification of Eligibility for Retired Pay at Non-Regular Retirement (20-Year Letter)
- On 5 September 2020 (Orders Number 20-249-00006) – the applicant was transferred into the Retired Reserve, effective 4 December 2020
- On 26 September 2024 (Orders Number C09-498623) – the applicant was placed on the retired list, effective 22 December 2024

3. On 27 May 2025, the U.S. Army Human Resources Command, Chief, Personnel Services Division, provided an advisory opinion noting that the applicant's records were reviewed by the Gray Area Retirements section, and it was determined that he qualified for a 27-month Reduced Age Retirement, retirement date of 22 December 2024. On 26 September 2024, they completed his retirement application and sent it to the Defense Finance and Accounting Service (DFAS) for processing. Gray Area Retirement checked the DFAS pay records and confirmed that he is receiving his retired pay, and no further actions are required.

4. On 28 May 2025, the applicant was provided with a copy of the advisory opinion and afforded 10 days to provide comments. He did not respond.

#### 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 reviewed and concurred with the Chief, Personnel Services Division, U.S. Army Human Resources Command's advising official and determined the applicant qualified for a 27-month Reduced Age Retirement, effective 22 December 2024. Based on this, the Board granted partial relief.

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 that pertains to the retirement date 14 February 2024.

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

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 placing him on the retired list effective 22 December 2024.



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. National Defense Authorization Act (NDAA) Fiscal Year 2008 reduces the retirement age for Reserve Component (RC) Soldiers from 60 to a lesser age, but not below age 50 for those who have served on Active Duty (AD) in an eligible status after 28 January 2008. For qualifying service after 28 January 2008, each day of an Active-Duty tour could count toward a reduction in retirement age. However, even though each day counts, days are credited in aggregates of 90 days only within the Fiscal Year. A day of duty will be included in only one aggregate of 90 days. After 10 September 2014, the NDAA has specified that service rendered either in support of contingency operations under a provision of law specified in Section 101(a)(13)(B) of reference (c), or an order to active duty pursuant to Section 12301(d) of reference (c), may now cross into consecutive fiscal years. Active Duty for this purpose, means service in accordance with a call, or order to AD and performed under one or more of the following: Section 688, 12301(a), 12302, 12304, 12305, 12406, and chapter 15 (insurrection), or under section 12301(d) of Title 10 USC.
2. Title 10 U.S.C. Section 12301(d) (Reserve Components Generally) provides that at any time, an authority designated by the Secretary concerned may order a member of a reserve component under his jurisdiction to active duty, or retain him on active duty, with the consent of that member. However, a member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to active duty under this subsection without the consent of the governor or other appropriate authority of the State concerned.
3. Army Regulation 135-180 (Retirement for Regular and Non-Regular Service) Chapter 2 (Criteria for Retired Pay) provides that the eligibility age for receipt of retired pay will be reduced below 60 years of age by 3 months for each aggregate of 90 days for which the Servicemember serves on active duty or full-time National Guard duty (FTNGD) in any fiscal year after 28 January 2008, or in any 2 consecutive fiscal years after 30 September 2014. A day of qualifying active duty or FTNGD may be included in only one aggregate of 90 days, with qualifying service defined as a call or order to active duty on orders specifying, as the authority for such orders, a provision of law referred to in Section 12301(d) or 12304b, Title 10, United States Code (10 USC 12304b or 12301(d)), or under provision of 10 USC 101(a)(13)(B) which includes call or order to, or retention on active duty under any other provision of law during a war or during a national emergency declared by the President or Congress. Soldiers should retain source documents for all qualifying periods of service such as DD Form 214 (Certificate of Uniformed Service), DD Form 215 (Correction to DD Form 214/DD Form 214 – 1, Certificate of Uniformed Service), DD Form 220 (Active Duty Report), and DFAS Form 702 (Leave and Earning Statements) with active duty/service orders indicating the purpose of the contingency operation or national emergency as stated in paragraphs 2–1b(1) and 2–1b(2).

//NOTHING FOLLOWS//