

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 April 2025

DOCKET NUMBER: AR20240011676

APPLICANT REQUESTS:

- correction of DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect a 11 September 1993, separation date
- correction of retirement points to reflect all qualifying service performed from 3 January 1990 – 11 September 1993
- correction of discharge orders to reflect 11 September 1993

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, 5 May 1986 – active duty service from 2 January 1986 - 5 May 1986 for the completion of Initial Active Duty Training (IADT)/military occupational specialty training
- Orders Number D-03-422838 – honorably discharged the applicant from the U.S. Army Reserve (USAR) on 15 March 1994
- National Guard Bureau (NGB) Form 23B (Army National Guard (ARNG) Retirement Points History Statement), 20 November 1990 – reflective of qualifying service completed between 12 September 1985 – 20 November 1990; 342 total points for retired pay; 350 total career points; transferred into the Inactive National Guard (ING) on 3 January 1990

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:

- Her service dates are 2 January 1986 (attended Basic Combat Training) – 11 September 1993 (Expiration Term of Service (ETS))

- Her retirement points history is void of the performance of qualifying service performed from 3 January 1990 – 11 September 1993 due to administrative errors
- Her discharge orders reflect a 15 March 1994 effective date of discharge

3. A review of the applicant's available service records reflects the following:

- On 12 September 1985 – the applicant enlisted in the Army National Guard (ARNG) for 8 years (6X2 contract)
- On 2 January 1986 – the applicant was ordered to active duty for the completion of IADT
- On 5 May 1986 – the applicant was released from active duty upon completion of IADT
- On 11 September 1991 – the applicant was honorably released from the ARNG and transferred into the USAR Control Group (Annual Training); NGB Form 22 (Report of Separation and Record of Service) reflects 6 years of service; assigned to the ING from 3 January 1990 – September 1991; 11 September 1993 terminal date of reserve service obligation
- On 15 March 1994 (Orders Number D-03-422838) – Honorably discharged the applicant from the USAR, effective 15 March 1994

4. The applicant did not provide nor does review of her available service records reflect evidence of qualifying service performed between 3 January 1990 – 11 September 1993

BOARD DISCUSSION:

1. 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. The governing regulation states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. Upon review of the applicant's petition, available military records, the Board determined the applicant's DD Form 214 accurately reflects 5 May 1986, the date the applicant was released from active duty upon completion of IADT.

2. Furthermore, the governing regulation provides that Retirement Point Credit is not authorized for members of the Reserve Component in an Inactive status under 10 USC 10152. The service record shows the applicant was assigned to the inactive national guard from 3 January 1990 – September 1991. She was honorably released from the ARNG and transferred into the USAR Control Group on 11 September 1991. The Board

concluded there was insufficient evidence of an error or injustice which would warrant a change to her retirement points and/or discharge date.

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:

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.

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. 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) 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records) provides policy for U.S. Army Reserve (USAR) training and retirement point credit. It also prescribes guidance for USAR unit level strength accounting.

a. Paragraph 1-6 (Eligibility) provides that Retirement Point Credit is not authorized for members of the Reserve Component in an Inactive status under 10 USC 10152 (Stand-by Reserve: Inactive Status List).

b. Chapter 2 (Crediting and Awarding Retirement Points) provides that if a Soldier is separated or removed from an active status during a retirement year, the Soldier may be credited with a proportionate maximum number of IDT points for that year per DODI 1215.07. Table 2–1 shows the minimum number of points required for a partial year for qualifying service. Table 2–2 shows the number of membership points authorized for a partial year. Soldiers are awarded 15 membership points for each year in an active status.

c. Paragraph 2-2 (Criteria for Earning Retirement Points) provides that retirement points may be earned by USAR Soldiers for active duty or duty in an active status for active duty for training (ADT), initial active duty for training (IADT), involuntary active duty for training (involuntary ADT), voluntary IDT, annual training (AT), IDT, membership points, and for other activities specified in this regulation.

3. AR 601-210 (Regular Army and Army Reserve Enlistment Program) paragraph 1-11 (USAR Membership) provides that on discharge from the ARNG a member may still retain Reserve of the Army status and be required to complete a remaining contractual or statutory Military Service Obligation. On completion of the obligation, either statutory or contractual (ETS), the member must either reenlist immediately under AR 140-111 or be discharged from the USAR.

4. AR 135-178 (Enlisted Administrative Separations) provides policies, standards, and procedures governing the administrative separation of certain enlisted Soldiers of the ARNGUS and the USAR. Paragraph 2-15 (Discharge After Expiration of Service Obligation) provides that a Soldier is entitled to be discharged on the expiration of his or her service obligation, and normally will be discharged unless action is taken to retain the Soldier beyond such expiration date. Retention beyond the expiration date of a service obligation may be either voluntary or involuntary. Soldiers properly held beyond expiration of their service obligation, whether voluntarily or involuntarily, retain their military status and continue to be subject to the Uniform Code of Military Justice until formally discharged by the appropriate authorities. Soldiers otherwise eligible for discharge on expiration of their service obligation will not be retained to satisfy a debt to the United States Government or to an individual, or to process and complete an involuntary administrative separation action per this regulation. On the other hand, if the

Army does not affirmatively act to discharge a Soldier and the Soldier does not demand discharge, but rather remains on duty and accepts pay and benefits, the military status of that Soldier continues.

5. AR 600-8-105 (Military Orders) states, only the organization that published the original order may amend, rescind, or revoke the order. Commanders may revoke award orders if issued by another headquarters only when authorized under AR 600-8-22.

6. Army Regulation 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, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

//NOTHING FOLLOWS//