

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 May 2025

DOCKET NUMBER: AR20240011978

APPLICANT REQUESTS: service credit for prior service he completed in the U.S. Marine Corps.

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

- ACTS Online application in lieu of DD Form 149 (Application for Correction of Military Record), 22 July 2024
- Statement, 5 February 1992
- DD Form 214 (Report of Separation from Active Duty), 4 October 1974
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 31 October 1996

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 his earlier service in the Marine Corps was not noted at his retirement. His service was noted later in a statement he provided to his command in 1992.
3. The applicant provided copies of:
 - a. A DD Form 214, dated 5 February 1972, reflecting the same first and last name as the applicant but a different middle name; a social security number different from the applicant, and a different date of birth as well. It further reflects completion of 2 years, 6 months, and 22 days of total active service, an entry date of 13 March 1972.
 - b. A statement from the applicant, dated 5 February 1992, which he voluntarily gave to a special agent, Defense Investigative Service, in which he acknowledged he:

- wanted to join the U.S. Marine Corps in 1972 but was underage and could not get permission from his parents
- with the help of his recruiter, he enlisted for active service using a different name
- he was discharged from the U.S. Marine Corps with an under honorable conditions discharge (General) after being absent without leave
- he did not list the incidents on his pre-screening questionnaire because there was no record of it

c. A DD Form 214, dated 31 October 1996, reflecting the applicant was retired.

4. A review of the applicant's service records show the following:

a. On 20 March 1975, he enlisted in the Regular Army for 3 years beginning in the rank/grade of private/E-1. In this enlistment, he noted item 49 (Prior Service), no prior service. In item 50, he further understood that if he secured his enlistment by means of any false statement, willful misrepresentation, or concealment as to his qualifications for enlistment, he would be liable to trial by court-martial or discharge for fraudulent entry and that if rejected because of any disqualification known and concealed by him, he would not be furnished any return transportation to a place of acceptance.

b. On 13 March 1978, he was honorably discharged and transferred to the control of the U.S. Army Reserve (USAR) Control Group (Reinforcement). His DD Form 214 for this period reflects 2 years, 11 months, and 24 days of net active service with no prior active service.

c. On 11 July 1978, he reenlisted for 3 years beginning at grade E-4, following 3 months and 27 days in the USAR. In this enlistment document, he again understood, in part, that any information is knowingly false or incorrect, this agreement may be terminated by the government, and he may be prosecuted under Federal, Civilian, or Military Law or subject to administrative separation.

d. On 31 October 1996, he was retired following a series of reenlistments and promotions to the rank of master sergeant. His DD Form 214 for this period reflects:

- 18 years, 3 months, and 20 days of net active service
- 2 years, 11 months, and 24 days of prior active service
- 3 months and 27 days of total prior inactive service

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 include his service credit for prior service he completed in the U.S. Marine Corps. The DD Form 214 is issued to all personnel at time of retirement, discharge, or release from the Active Army, including each member who, while on active duty, changes status and remains of active duty in the new status. As such, the Board denied relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : 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. Army Regulation 635-5 (Separation Documents), then in effect (20 August 1973) prescribed the separation documents that would be furnished each individual who was separated from the Army including Active Duty Training personnel and established standardized procedures for the preparation and distribution of these documents. All available records would be used as a basis for the preparation of the DD Form 214, including DA Form 20, DA Form 66, and orders.
 - a. A DD Form 214 would be issued to all personnel at time of retirement, discharge, or release from the Active Army, including each member who, while on active duty, changes status and remains of active duty in the new status.
 - b. In item 11d (Effective Date), enter date separation is accomplished.
 - c. In item 15 (Date Entered Active Duty This Period), enter date using all numerals, e.g., 73 for year, 01 for January.
 - d. In item 18 (Record of Service) – all service shown in 18(a) through 18(f) will be less time lost under Title 10 U.S. Code, Section 972.
3. Army Regulation 635-5 (Separation Documents), in effect at the time (1 October 1979), prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. The DD Form 214 is of vital importance to the separating Soldier and must be properly prepared according to prescribed guidance; ensure all information on the DD Form 214 and other separation documents is accurate.
 - a. A DD Form 214 would be prepared for all personnel at the time of their retirement, discharge, or release from the Active Army.
 - b. Army Regulation 635-5 effective 1 October 1979, stated a DD Form 214 would not be prepared for enlisted members discharged for immediate reenlistment in the Regular Army. The instructions for:

- (1) block 1 (Name (Last, first, middle)), enter name in all capital letters in the order shows, include abbreviation for junior, senior, second, when appropriate;
- (2) block 3 (Social Security Number), verify accuracy with the SSN of record;
- (3) block 5 (Date of Birth), enter date using six-digit number in this item; year, month, and day written in that sequence without spaces or slashes, e.g., 420106 for 6 Jan 42;
- (4) block 12a (Date Entered Active Duty This Period) read, enter the date of the first day of the last immediate reenlistment for which a DD Form 214 was not issued;
- (5) block 12b (Separation Date This Period) read, self-explanatory, meaning enter the date of separation from active duty;
- (6) block 12c (Net Active Service this Period) read, all service entered will be less time lost under Title 10 U.S.C. Section 972 and time lost after expiration of term of service;
- (7) block 12d (Total Prior Active Service), all service entered will be less time lost under 10 U.S.C.972 and time lost after expiration of term of service; and
- (8) block 12e (Total Prior Inactive Service), all service entered will be less time lost under 10 U.S.C.972 and time lost after expiration of term of service.

//NOTHING FOLLOWS//