

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 August 2025

DOCKET NUMBER: AR20240012226

APPLICANT REQUESTS: discharge orders or Certificate for his service in the U.S. Army Reserves (USAR).

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

- DD Form 149 (Application for Correction of Military Record)
- U. S. Army Human Resources Command emails

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 he served in the USAR from 14 September 1989 until 26 August 1994 when he was voluntarily reassigned to the individual ready reserve (IRR). His expiration term of service (ETS) was 13 September 1997. He received and is grateful to the Board for the corrected entry-level separation. He still has no discharge orders or Certificate for his service in the USAR.

a. He believes that between the time he was reassigned to the IRR and his ETS there were a lot of closures, transfers, and changes and this was just an accidental oversight. He never had any disciplinary actions or reprimands and got along well with nearly everyone so it could not be anything other than an oversight.

b. When he discovered that he was missing this final order of discharge, he immediately set out to find a copy of it or find out why he did not have it. He thought he had exhausted every avenue he was directed to or could think of before considering filing with this board. He has since requested a Publication of Discharge Orders and Issuance of a Discharge Certificate from the U. S. Army Human Resource Command (USAHRC) and was denied. He completed his obligation and believed that he deserves that certificate. He appreciates this board taking the time to consider it.

3. The applicant provides, and his service records show:

- He enlisted in the USAR on 14 September 1989
- He entered active duty for training on 28 March 1990. His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was released from active duty and returned to his unit on 12 July 1990. He completed 3 months and 15 days of net active service. His service was uncharacterized
- Chronological Statement of Retirement Points, 10 December 1993 shows 3 years qualifying for retirement and 263 total points creditable
- Chronological Statement of Retirement Points, 18 August 2022 shows 3 years qualifying for retirement and 349 total points creditable
- In a previous case, AR20220001342 on 29 September 2022 the applicant’s DD Form 214 was corrected from uncharacterized to honorable; the old DD Form 214 was voided
- Applicant was not discharged; he was released from active duty (REFRAD) and transferred to USAR
- DD Form 256A (Honorable Discharge Certificates) are issued to service members receiving an honorable discharge not REFRAD.

4. The applicant provides a U.S. Human Resources Command letter and response, 13 December 2023 which shows his orders would have been published when he was released from the military. “We do (not) need to issue new orders after they have been published. We cannot issue a DD Form 256a without your honorable discharge order. The memorandum you were given yesterday will suffice for ARBA despite the wording on their memorandum”.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that 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. Notwithstanding HRC’s advisory opinion, the Board determined the applicant was entitled to receive Orders upon his separation from the U.S. Army Reserve. Therefore, the Board found an error and injustice and granted full relief.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3



GRANT FULL RELIEF

- : : : GRANT PARTIAL RELIEF
- : : : GRANT FORMAL HEARING
- : : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that U. S. Army Reserve Command (USARC) issue the applicant separation Orders from the USAR to show he was honorable separated.

8/15/2025

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. Army Regulation 635-5 (Personnel Separations-Separation Documents) prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It established the standardized policy for the preparation of the DD Form 214. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214. The information entered thereon reflects the conditions as they existed at the time of separation.

a. Discharge Certificates. Certificates issued to enlisted personnel will be in accordance with Army Regulation 635-200.

b. Except as provided in c below, or as directed by the Secretary of the Army or Headquarters, Department of the Army, each officer discharged will be issued an appropriate discharge certificate as follows: (1) Honorable Discharge Certificate (DD Form 256A). Except under conditions: Discharge for physical disability resulting from intentional misconduct or willful neglect or which was incurred during a period of unauthorized absence.

3. Army Regulation 635-200 (Personnel Separations-Enlisted Personnel):

a. Chapter 3-2. Discharge Certificates. Discharge Certificates are furnished to Soldiers when they are honorably discharged or are discharged under honorable conditions. Soldiers separated from entry level status are issued DD Form 214 (Certificate of Release or Discharge: from Active Duty). Instructions for the completion of the various types of discharge certificates are in Army Regulation 635-5. The issuance of discharge Certificates is governed by this regulation.

b. Chapter 3-3. Certificate of Release or Discharge from Active Duty (DD-Form 214) Individuals who are discharged or released from AD or ADT will be furnished a factual record of their military service on DD Form 214. Instructions for the completion and distribution of DD Form 214 are in AR 635-5.

//NOTHING FOLLOWS//