

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 June 2025

DOCKET NUMBER: AR20240012271

APPLICANT REQUESTS:

- correction of her DD Form 4 (Enlistment/Reenlistment Document - Armed Forces of the United States); to reflect 3 years vice 4 years term of enlistment
- correction of her expiration term of service (ETS)
- a video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Statement
- Temporary Reservation
- DD Form 4

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:

a. She enlisted in the Army under the impression that her contract would be a three-year commitment with an orientation week, as conveyed to her by her recruiters and documented on her temporary reservation contract. Upon arriving at Military Entrance Processing Station (MEPS) in Brooklyn, New York, she believed she was finalizing an agreement consistent with that information, unaware that the contract had already been changed.

b. She later discovered her contract was actually for a four-year period, resulting in discrepancies such as receiving a bonus calculated for a three-year term. This unexpected change disrupted her carefully planned timeline for life after the Army, and she felt deceived by the process. Consequently, she is asking for the issue to be

resolved by either correcting her contract back to a three-year term or, if that is not possible, allowing her to serve the additional year in a reserve or National Guard capacity. She has offered to provide supporting documents and has a credible witness to support her claim.

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

a. Her DD Form 4 shows she enlisted in the Regular Army on 11 July 2022. Item B (Agreements) block 8 shows she enlisted for 4 years.

b. Her Enlisted Record Brief (ERB) Section III (Service Data) shows her ETS 10 July 2026.

c. On 7 June 2022, the DA Form 3286 (Statement for Enlistment – United States Army Enlistment Program U.S. Army Delayed Entry Program) Annex A, shows she acknowledged she was enlisting for four years and a U.S. Army Seasonal Bonus (High Priority Seat) IIIB amount \$25,000.

d. On 11 July 2022, the DA Form 3286 Annex B, shows she acknowledged she was enlisting for four years and a U.S. Army Seasonal Bonus (High Priority Seat) IIIB amount \$25,000.

4. On 28 April 2025, the USAREC G-3 Division Chief provided an advisory opinion in the processing of this case. He opined all documents signed at the time of entry and at time of shipment showed the 4-year term of service with the High-Priority Seasonal Bonus of \$25,000.00. The recommendation was for the applicant to fulfill the remaining portion of the 4 year term of service identified in the contractual agreement.

5. On 6 May 2025, the advisory opinion was forwarded to the applicant for acknowledgement and/or response. The applicant has not provided a response to date.

6. By regulation (AR 15-185), an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The Board concurred with the U.S. Army Recruiting Command's advising official finding all documents signed at the time of entry and at time of shipment showed the 4-year term of service. The Board found no error or injustice in the contractual agreement warranting correction of the ETS or amendment of the term of service.

2. The applicant's request for a video/telephonic hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a video hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XX	:XX	:XX	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 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. Army Regulation 601-210 (Regular Army and Army Reserve Enlistment Program), then in effect, provides in pertinent part, that, for applicants with no prior service, enlistment in the RA is authorized for a term of at least 2 but not more than 6 years.

4. Army Regulation 635-200 (Personnel Separations – Active Duty Enlisted Administrative Separations), 7-16 (Defective or unfulfilled enlistment or re-enlistment agreements). Claims of defective or unfulfilled enlistment agreements are processed under this section and per AR 601–210 or AR 600280. a. Defective enlistment agreements. A defective enlistment agreement exists when the Soldier is eligible for enlistment in the Army but does not meet the prerequisites for the option for which enlisted. This situation exists when the following occurs:

a. A material misrepresentation by recruiting personnel, upon which the Soldier reasonably relied, resulting in the Soldier being induced to enlist for that option.

b. An administrative oversight or error on the part of the recruiting personnel, in which the Soldier did not knowingly take part, in failing to detect that the Soldier did not meet all the requirements for the enlistment commitment.

//NOTHING FOLLOWS//