

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 August 2025

DOCKET NUMBER: AR20240012870

APPLICANT REQUESTS: correction of his entry date on his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending on 15 May 2008, item 12a (Date Entered Active Duty) to reflect 27 September 2004 vice 1 February 1995

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

- DD Forms 149 (Application for Correction of Military Record)
- DD Form 214 for the period ending 31 October 2004
- Page 2 of DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States)
- DD Form 214 for the period ending 15 May 2008
- Letter from Department of Veterans Affairs (VA)

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:

- He has two DD Forms 214
- His active-duty dates, discharge, and character of service do not align with those DD Forms 214 hindering his benefits
- On his first DD Form 214, he served 9 years and 9 months on active duty and received an honorable discharge
- His service verification letter is incorrect as is his second DD Form 214 for his Army Guard Reserve (AGR) tour for which he received a bad-conduct discharge
- The dates for his bad-conduct discharge is overlapping his honorable discharge dates
- Due to this inaccurate information, he is ineligible for a number of Veteran benefits he should be entitled to

3. The applicant provides and his service record shows:

- He entered active duty in the Regular Army on 1 February 1995; he had reenlistments in the Regular Army on 14 May 1997 and 22 March 2004
- On 17 September 2004, he completed a Personnel Action, wherein he requested cancellation of his reenlistment on 22 March 2004; on 23 September 2004, his request was approved
- He had honorable service in the Regular Army from 1 February 1995 through 31 October 2004 when he was transferred to the Army National Guard (ARNG); he completed 9 years and 9 months of active-duty service
- On 27 September 2004, he enlisted in the ARNG
- On 12 April 2007, General Court-Martial (GCM) Orders were published showing he was found guilty at a GCM; as part of his sentence he received a bad-conduct discharge
- On 3 October 2007, a Service Computation for Separation was completed and shows his enlisted service from 1 November 2004 through 8 February 2005 a period of 3 months and 8 days (inactive service) and from 9 February 2005 through 30 September 2007 a period of 2 years, 7 months, and 22 days (active service)
- On 16 October 2007, orders were published rescinding the unexecuted portion of his active-duty orders published by National Guard Bureau; his active duty orders were not available for the Board's review
- On 16 October 2007, orders were published transferring him to the Inactive National Guard effective 31 October 2006
- On 31 January 2008, GCM Orders were published stating the findings and sentence for his GCM had been affirmed and the bad-conduct discharge would be executed
- A DD Form 214 shows he had Regular Army Service from 1 February 1995 through 15 May 2008, wherein he was discharged with a bad-conduct discharge; his net active duty service states 2 years, 6 months, and 10 days
- On 1 June 2008 he was discharged from the ARNG with an under other than honorable conditions discharge; he had entered the ARNG on 1 November 2004; he had 3 years, 7 months, and 1 day of net service
- On 19 August 2009, an ARNG Retirement Points History Statement was published showing he had the following service:
 - Regular Army from 1 February 1995 through 31 October 2004;
 - He was a member of the ARNG from 1 November 2004 through 8 February 2005 and 15 October 2007 through 31 May 2008;
 - He was in the AGR program from 9 February 2005 through 15 October 2007;
 - He was in the Inactive Army National Guard on 1 June 2008

- On 24 May 2013, he received a letter from the VA, which shows he had honorable service in the Army from 1 February 1995 through 17 October 2000 and under other than honorable conditions in the Army from 18 October 2000 through 15 May 2008

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, 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 review based on law, policy, and regulation. Upon review of the applicant's petition and available military records, the Board concurred with the Army National Guard Retirement Points History Statement showing that the applicant had active duty service in the Regular Army from 1 February 1995 through 31 October 2004, that he was a member of the ARNG from 1 November 2004 through 8 February 2005 and 15 October 2007 through 31 May 2008; that he was in the AGR program from 9 February 2005 through 15 October 2007; and that he was in the Inactive Army National Guard on 1 June 2008. Pursuant to Army Regulations, the Board determined there was no error or injustice and 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.

[REDACTED]

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), in effect at the time, prescribed the separation documents that must be prepared for Soldiers at the time of retirement, discharge, or release from active duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214 (Certificate of Release or Discharge from Active Duty).

a. In pertinent part, the regulation states the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty retirement or discharge.

b. The date entered in Item 12a (Date Entered AD This Period) should be the beginning date of the enlistment period or tour of active duty for which a DD Form 214 was not previously issued.

//NOTHING FOLLOWS//