

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 August 2025

DOCKET NUMBER: AR20250008512

APPLICANT REQUESTS: in effect –

- Active duty bridging orders published for the period 6 to 16 January 2021 for either Medical Retention Processing (MRP) end date extension or earlier Reserve Component Managed Care-Mobilization (RCMC-M) start date for orders gap relief
- Accrued leave and medical benefits earned during the missing period of service
- Correction of his NGB Form 23A (Army National Guard Current Annual Statement) to show no gap or break in service from 6 to 16 January 2021
- Correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending on 5 January 2021 to show continuous active duty service
- 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)
- Supporting Documents List showing the supporting documents provided by the applicant
- Orders List showing the orders issued to the applicant with pertinent data
- Orders Number 29-177-0120 dated 26 June 2019, showing the applicant was ordered to active duty (AD) for 400 days in support of Operation Enduring Freedom (OEF) (Spartan Shield) with a report date on 16 August 2019
- Orders Number 29-177-0120 (A1) dated 3 August 2019, amending Order Number 29-177-0120, by adding an Accounting Code and FTN [Force Tracking Number]
- Orders Number 29-177-0120 (A2) dated 17 March 2020, amending Order Number 29-177-0120, by changing the Period of active duty to 430 days
- Orders Number 29-177-0120 (A3) dated 5 June 2020, amending Order Number 29-177-0120, by changing the Period of active duty to 479 days
- Orders Number 29-177-0120 (A4) dated 5 September 2020, amending Order Number 29-177-0120, by adding an Accounting Code

- DA Form 2173 (Statement of Medical Examination and Duty Status) dated 29 September 2020, which shows, the applicant's injury (M4316 Spondylolisthesis, lumbar region) was considered to have been incurred in Line of Duty (LOD)
- North Carolina National Guard (NCNG) Adjutant General (AG) Memorandum - Subject: Request to Expedite Army Board for Corrections of Military Records (ABCMR) in the Restoration of Medical Benefits, Pay and Allowances, dated 26 February 2024, wherein, the NCNG AG stated:
 - Request to expedite ABCMR action in the restoration of medical benefits, pay and allowances for Service Members of the North Carolina Army National Guard (NCARNG) who mobilized with the 30th Armored Brigade Combat Team in support of OEF (Spartan Shield)
 - Upon release from active duty (REFRAD), several Service Members (SM) experienced a break in service in their active-duty orders, which resulted in a lapse of medical care and suspension of pay and allowances; this created severe hardship and duress to the SM and their families
 - SM and families incurred out of pocket costs for medical care, coupled with loss of pay and benefits
 - Regardless of the mechanism of failure, it is inappropriate for the SM and their families to bear the brunt of inadequate planning and administrative shortfalls from either human or human resources systems errors
- Orders Number MM-0276-00017 dated 2 October 2020, retaining the applicant on active duty under the provision of Title 10 (T10), U.S. Code (USC), section 12301(H), for 60 days to participate in Reserve Component Warriors in Transition MRP Program for completion of medical evaluation (initial), with a report date on 8 October 2020; the additional instructions state:
 - No break in service
 - In accordance with (IAW) Department of Defense Instruction (DODI) 1332.38 (Physical Disability Evaluation) applicant would be entered into Physical Disability Evaluation System (PDES) process at the earliest determination or applicant unable to return to full military duty within one year of diagnosis of medical condition before orders expire
 - REFRAD was required upon completion of medical care and PDES
- Orders Number 29-177-0120 (A5) dated 3 November 2020, amending Order Number 29-177-0120, by changing the Period of active duty to 419 days
- National Guard Bureau (NGB) Memorandum - Subject: Line of Duty (LOD) Determination (Applicant), dated 11 December 2020, which shows, the NGB, Chief, Personnel Division approved "IN LINE OF DUTY" the applicant's Lumbar Spondylolisthesis injury that occurred during OEF (Spartan Shield)

- Orders Number MM-0276-00017A01 dated 14 December 2020, amending Order Number MM-0276-00017 by changing:
 - Purpose Type to Extension
 - End Date to 5 January 2021
 - Tour Length to 90 days
- DD Form 214 (Certificate of Release or Discharge from Active Duty) period ending 5 January 2021, showing the applicant entered active duty this period on 16 August 2019 and was REFRAD and transferred to his NCARNG unit on 5 January 2021
- Orders Number NG-1017-00003 dated 17 January 2021, ordering the applicant to active duty under the provisions of Title 10, USC, section 12301(H), for 90 days to participate in RCMC-M for managed medical care (mobilization) with a report on 17 January 2021; the additional instructions state:
 - He was on RCMC AD orders to complete medical care and treatment
 - REFRAD is required upon completion of medical care
 - State military personnel management office will prepare release orders and DD Form 214 or DD Form 220 (Active Duty Report) upon completion of AD
- NGB Form 23A (Army National Guard (ARNG) Current Annual Statement) dated 9 February 2022, shows the applicant was mobilized from 16 August 2019 to 5 January 2021
- Order Number 1680687 dated 22 February 2022, transferring the applicant to the U.S. Army Reserve (USAR) Control Group (Individual Ready Reserve), effective 9 February 2022
- DODI Number 1241.01 - Subject: Reserve Component (RC) LOD Determination for Medical and Dental Treatments and Incapacitation Pay Entitlements, dated 19 April 2016, which states, in pertinent part:
 - An RC service member is entitled to medical and dental treatment for an injury, illness, or disease that was incurred or aggravated while in a qualified duty status and that is not the result of gross negligence or misconduct

FACTS:

1. The applicant states:

- He requests active duty orders from 6 January 2021 to 16 January 2021 for either MRP end date extension or earlier RCMC-M start date for orders gap relief

- Orders gaps represent breaks in medical coverage or coverage under the Transitional Assistance Management Program (TAMP)-180 which never should have been triggered to start up less gaps in continuity of orders
- Reference Army Board for Correction of Military Records (ABCMR) (SAMR-RBA) Case Number AR20220011892, dated 9 May 2023, findings for similar case facts and disposition to support this request
- He respectfully, requests this correction because it is what should have occurred
- He was not paid, did not accrue leave, or have accurately sponsored benefits from 6 to 16 January 2021, due to orders gap in-between MRP and RCMC-M orders as a wounded warrior
- His REFRAD DD Form 214 will need a DD Form 215 (Correction to DD Form 214) depending on relief granted
- He is missing 0.37 months (11 days) of what should have been continuous Title 10 (T10) AD, 12301(h) AD recovery status in accordance with DODI 1241.01, 19 April 2016
- He is discharged and should have an expired 8-year military service obligation by the time this request is received
- ARNG Soldiers returning through MFGIs [Mobilization Force Generation Installations] that were referred to Medical Retention Processing-Evaluation (MRP-E) following mobilization have encountered challenges with meeting program objectives due to the COVID-19 environment
- This, paired with changing guidance, resulted in gaps between MRP-E orders and transition to either RCMC-M, Soldier Recovery Unit (Warrior Transition Unit), or Return to Duty

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

- On 9 February 2016, the applicant enlisted in the NCARNG for 6 years
- On 26 June 2019, Orders Number 29-177-0120 ordered the applicant to active duty for 400 days in support of OEF (Spartan Shield) with a report date on 16 August 2019
- On 25 July 2019, Orders Number 208-366 ordered the applicant to active duty for training for Pre-Mobilization Training with a report date on 27 July 2019; the period (Temporary Duty) reflects 27 July 2019 to 15 August 2019
- On 17 October 2019:
 - Orders Number BL-290-0021 deployed the applicant in Temporary Change of Station (TCS) status in support of OEF (Spartan Shield) not to exceed 337 days with a will proceed date on or about 18 October 2019
 - Orders Number BL-290-0021 (A1) amended Order Number BL-290-0021, by changing Days Out to 337 and adding an Accounting Code

- On 17 March 2020, Orders Number 29-177-0120 (A2) amended Order Number 29-177-0120, by changing the Period of active duty to 430 days and adding an FTN
- On 24 March 2020, Order Number 278533 promoted the applicant to rank/grade of private first class/E-3, effective 5 October 2019
- On 5 June 2020, Orders Number 29-177-0120 (A3) amended Order Number 29-177-0120, by changing the Period of active duty to 479 days
- On 21 July 2020, Order Number 522832 promoted the applicant to rank/grade of specialist/E-4, effective 5 April 2020
- On 2 October 2020, Orders Number MM-0276-00017 retained the applicant on active duty under the provisions of T10, USC, section 12301(H) for 60 days to participate in RC Warriors in Transition MRP Program for completion of medical evaluation (initial), with a report date on 8 October 2020; the additional instructions state:
 - No break in service
 - IAW DODI 1332.38 (Physical Disability Evaluation) the applicant would be entered into PDES process at the earliest determination or applicant unable to return to full military duty within one year of diagnosis of medical condition before orders expire
 - REFRAD was required upon completion of medical care and PDES
- On 3 November 2020, Orders Number 29-177-0120 (A5) amended Order Number 29-177-0120, by changing the Period of active duty to 419 days
- On 14 December 2020, Orders Number MM-0276-00017A01 amended Order Number MM-0276-00017 pertaining to RCMC of the applicant, by changing:
 - Purpose Type to Extension
 - End Date to 5 January 2021
 - Tour Length to 90 days
- On 5 January 2021, DD Form 214 shows the applicant was REFRAD and was transferred to his NCARNG unit; he completed 1 year, 4 months, and 20 days net active service this period and item 18 (Remarks) shows he was ordered to AD in support of OEF (Spartan Shield)
- On 17 January 2021, Orders Number NG-1017-00003 issued by NGB, ordered the applicant to active duty under the provisions of T10, USC, section 12301(H), for 90 days to participate in RCMC-M for managed medical care (mobilization), with a report date on 17 January 2021; additional instructions state:
 - He was on RCMC AD orders to complete medical care and treatment
 - Release from AD is required upon completion of medical care

- State military personnel management office will prepare release orders and DD Form 214 or DD Form 220 upon completion of AD
- On 9 February 2022:
 - NGB Form 22 (National Guard Report of Separation and Record of Service) shows the applicant was released from the ARNG by reason of expiration of active status commitment in the Selected Reserve and was transferred to the USAR Control Group (Reinforcement)
 - NGB Form 23A shows the applicant was mobilized from 16 August 2019 to 5 January 2021 and returned to ARNG Unit Member status 6 January 2021

BOARD DISCUSSION:

1. 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. The Board reviewed and concurred with the North Carolina National Guard memorandum, dated 26 February 2024 finding the applicant was on active duty Title 10 USC, section 12301 (H) orders but did not have Title 10 USC, section 12301(H) orders from 6-16 January 2021 as he should have remained on orders. The Board determined his orders should be amended to reflect continuous active duty service with appropriate leave, pay and allowances.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance 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>	
XXX	XXX	XXX	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 all Department of the Army and Army National Guard records of the individual concerned be corrected by:

- amending Orders Number MM-0276-00017A01, Headquarters U.S. Army Medical Command, dated 14 December 2020, to show and end date of 16 January 2021
- entitlement to leave, back pay and allowances as a result of this correction
- correction of his NGB Form 23A with applicable time
- issuance of a DD Form 215 to correct his DD Form 214 items 12b and 12c

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. Army Regulation (AR) 15-185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. In pertinent part, the regulation states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. It will decide cases based on the evidence of record and it is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. Paragraph 2-11 states 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.

2. Title 10, USC, section 12301(h) – Reserve components generally, states, when authorized by the Secretary of Defense, the Secretary of a military department may, with the consent of the member, order a member of a reserve component to active duty — to receive authorized medical care; to be medically evaluated for disability or other purposes; or to complete a required Department of Defense health care study, which may include an associated medical evaluation of the member.

3. AR 635-8 (Separation Processing) provides that 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 REFRAD, retirement, or discharge. When separation is ordered, the separation approval documents must be present for transition processing to occur. Source documents, as listed below, must be present in a Soldier's record in order to complete the DD Form 214. Source documents will consist of:

- Service Member's Record Brief
- Separation approval documents
- Separation order
- Any other document authorized for filing in the Army Military Human Resources Record

DD Form 214, Item 12b (Separation Date This Period) will contain the Soldier's transition date. This date may not be the contractual date if the Soldier was separated early, voluntarily extends, is extended to make up lost time, or is retained on active duty for the convenience of the Government.

4. AR 600-8-105 (Military Orders) provides that orders are published to order individuals onto active duty or change the status of military personnel on active duty. Only the organization that published the original order may amend, rescind, or revoke the order. When there is no evidence of fraud or obvious error, and the Soldier received

actual or constructive delivery, orders discharging a Soldier from the service will not be revoked after the effective date of discharge unless the revocation is a written confirmation of verbal orders issued before the effective date of discharge. An order may be corrected by the organization that published the original order to show the true state of affairs existing at the time the original order was published. Orders may only be changed to reflect facts that existed when the original order was published.

5. DODI Number 1241.01 - Subject: RC LOD Determination for Medical and Dental Treatments and Incapacitation Pay Entitlements, dated 19 April 2016, provides that:

a. An RC service member is entitled to medical and dental treatment for an injury, illness, or disease that was incurred or aggravated while in a qualified duty status and that is not the result of gross negligence or misconduct (referred to in this instruction as a "covered condition"). A determination that establishes a covered condition will be referred to in this instruction as an "in LOD determination."

b. Enclosure 3, paragraph 4 (Duration of Medical and Dental Treatment Entitlement), states that medical, dental, or behavioral health care authorized by an in-LOD determination in accordance with section 1074a of Reference (e) [Title 10, USC] will be provided until (1) The in-LOD injury, illness or disease is satisfactorily resolved or the resulting disability cannot be materially improved by further hospitalization or treatment; (2) The RC Service member is identified for referral to the Disability Evaluation System in accordance with Reference (g) within 1 year of the diagnosis of the condition for which he or she received an in-LOD finding and the member receives a final determination of fit for duty, separated, or retired; or (3) One year has transpired since the date of the initial diagnosis and neither of the actions referred to in paragraphs 4a(1) or (2) of this enclosure has occurred. (4) The in-LOD determination is terminated due to circumstances described in paragraph 3.c. of this enclosure.

c. Enclosure 3, paragraph 5 (Authority to Order to Active Duty (AD) for medical and dental treatment), Medical Evaluation and Other Purposes states:

(1) With his or her consent, an RC Service member may be ordered to AD in accordance with section 12301(h) of Reference (e) when authorized by the Secretary of the Military Department concerned and, in the case of a member of the National Guard, with the consent of the Governor or other appropriate authority of the State concerned: (a) To receive authorized medical care; (b) To be medically evaluated for a disability or other medical purposes as determined by the Secretary of the Military Department concerned; or (c) To complete a required DoD health study, which may include an associated medical evaluation of the RC Service member.

(2) With his or her consent, an RC Service member ordered to AD under section 12301(h) of Reference (e) may be retained on AD in accordance with that section for

medical treatment for a condition associated with the study or evaluation, if his or her treatment is otherwise authorized by law and determined appropriate by the Secretary of the Military Department concerned.

d. Paragraph c (Medical and Dental Treatment for AD for More Than 30 Days) states, an RC Service member who has been ordered to or retained on AD in accordance with paragraphs 5a or 5b of this section, resulting in a continuous period of AD of more than 30 days, is entitled to medical and dental treatment in accordance with section 1074 of Reference (e). The RC Service member's authorized dependents are also entitled to medical and dental treatment in accordance with section 1076(a)(2)(D) of Reference (e).

//NOTHING FOLLOWS//