



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

[REDACTED]
Docket No. 10251-24
Ref: Signature date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],
USNR, XXX-XX [REDACTED]

Ref: (a) Title 10 U.S.C. §1552
(b) NAVMILPERSCOMINST 1900.1B

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Advisory Opinion

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting for a Certificate of Release or Discharge from Active Duty (DD Form 214) for her period of active-duty service from 4 January 1991 to 7 February 1991.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 29 January 2025 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. Although Petitioner's application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

b. Petitioner enlisted in the Navy Reserves on 10 August 1990. In November 1990, Petitioner was involuntarily recalled for active-duty service for Operation Desert Shield. Petitioner received orders to report to Commanding Officer, [REDACTED] for active military service for a period of 90 days.

c. On 4 January 1991, Petitioner reported to [REDACTED] for duty.

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d. On 15 January 1991, the commanding officer (CO) of [REDACTED] reported that Petitioner requested assistance in filing for a hardship discharge. The CO further reported that Petitioner's situation did not appear to merit a hardship discharge; however, Petitioner should not have been recalled to active duty prior to receiving training. Petitioner's service record did not document any training. The CO recommended that Petitioner be released from active duty.

e. On 24 January 1991, Commander, Navy Military Personnel Command directed Petitioner's termination from active duty and detachment from [REDACTED], no later than 31 January 1991, to proceed home for release from all active duty.

f. On 31 January 1991, Petitioner detached from [REDACTED].

g. On 1 February 1991, Petitioner reported to [REDACTED]
[REDACTED] for temporary duty.

h. On 7 February 1991, Petitioner was released from active duty to inactive duty status.

i. Petitioner contends the following injustices warranting relief:

(1) The Gulf War, specifically referred to as "Operation Desert Storm" is considered a contingency operation because it was a military response to an unexpected crisis,

(2) She was recalled to active duty to go overseas during Operation Desert Storm for 38 days, without basic training; she sustained injuries during this deployment, and

(3) She was made aware that she could file a claim with the Department of Veterans Affairs (VA) for those injuries that she sustained during military service.

(4) She filed a claim with the VA for several medical conditions. The VA requested a DD Form 214, and at that time she realized that she did not have a DD Form 214.

j. For purposes of clemency and equity consideration, the Board considered the supporting documentation Petitioner provided in support of her application.

k. As part of the Board's review, Navy Personnel Command (NPC) (PERS-312/SA) provided the Board with enclosure (3), an AO. The AO stated in pertinent part:

The DD214 is prepared for personnel separated from a period of Active-Duty Training (ADT), Full Time Support (FTS), Active-Duty Operational Support (ADOS), or Active Duty Special Work (ADSW) when the period of service is 90 days or more. A stipulation to this is when Reserve Component (RM) personnel are ordered to active duty for a contingency operation greater than 30 days.

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants relief.

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After thorough review, the Board noted Petitioner was involuntarily recalled to active duty in support of a contingency operation, i.e. Operation Desert Shield. Upon release from active duty, Petitioner was transferred to inactive duty status and not issued a DD Form 214 for her period of active duty from 4 January 1991 to 7 February 1991. In making this determination, the Board concurred with reference (b) and, in part, with the AO. Reference (b) states in pertinent part:

Eligible Personnel.

1a(2). Personnel Released for Active Duty for Training. The DD Form 214 will be prepared for personnel being separated from a period of active duty for training, only when service was of 90 days or more. The form shall be prepared for Reserve personnel on special active duty for training under a call for mobilization, or personnel being separated for physical disability, regardless of length of time.

As a result, the Board concluded Petitioner is entitled to a DD Form 214 documenting her period of active-duty service from 4 January 1991 to 7 January 1991.

RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record in the interests of justice:

That Petitioner shall be issued a DD Form 214, for the period from 4 January 1991 to 7 February 1991, consistent with applicable regulations.

That no further changes be made to Petitioner's record.

That a copy of this record of proceedings be filed in Petitioner's naval record.

4. It is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

2/24/2025

