

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 December 2022

DOCKET NUMBER: AR20220005513

APPLICANT REQUESTS:

- correction active duty pay and rank
- correction of DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect award of the Expert Marksmanship Qualification Badge with Grenade Bar

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

- DD Form 149 (Application for Correction of Military Record)
- State of Maryland Department of Health and Mental Hygiene, 17 August 1979
- State of Maryland Department of Health and Mental Hygiene
- College transcripts
- Certificates
- DA Form 2496 (Disposition Form), 21 April 1987
- Orders Number 103-8, 28 May 1987
- DD Form 214, 19 June 1987

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 that at the time of his initial enlistment, he had already obtained his license to serve as a Licensed Practical Nurse (LPN). He argues that in light of this achievement, he should have been enlisted at a pay grade higher than private first class (PFC)/E-3. He also notes that his most recently issued DD Form 214 is incorrect because it does not contain evidence of being authorized the Expert Marksmanship Qualification Badge with Grenade Bar. In addition, the applicant provides that he was also awarded the "Colonel's Medal" which is not reflected on his DD Form 214.

3. A review of the applicant's available service records reflects the following:

a. On 22 September 1986, the applicant enlisted in the U.S. Army Reserve (USAR) for 8 years (6x2 contract) at the rank of PFC/E-3 to serve as a 91F (Psychiatric Specialist). DD Form 1966 (Record of Military Processing – Armed Forces of the U.S.) item 24 (Education), the applicant indicates that he attended college (Community College of Baltimore, School of Practical Nursing – Department of Health and Mental Hygiene) from August 1978 – August 1979. Item 39 (Remarks) provides that the applicant's authorized enlistment grade of E-3 was in accordance with Army Regulation (AR) 601-210 (Regular Army and Army Reserve Enlistment Program), Table 2-3 Rule E. Also included in the applicant's enlistment packet are copies of his educational transcript containing evidence of his previous completion of approximately 26 semester hours of civilian education as recognized by the Community College of Baltimore.

b. On 29 December 1986, the applicant was ordered to active duty.

c. On 19 May 1987, Headquarters Fort Sam Houston issued Orders Number 97-53 awarding the applicant with the 91F military occupational specialty (MOS), effective 19 June 1987.

d. On 28 May 1987, Headquarters, Fort Sam Houston issued Orders Number 103-8 amending Orders Number 97-53 to reflect the applicant's Primary MOS as 91F with a Secondary MOS of 91C (Practical Nurse).

e. On 19 June 1987, the applicant was released from active duty. DD Form 214, item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) reflects:

- Army Service Ribbon
- Marksman Qualification Badge with Rifle Bar (M-16)

f. On 30 September 1994, the U.S. Army Reserve Personnel Command issued Orders Number D-09-480400 discharging the applicant from the USAR at the rank of PFC.

4. The applicant provides the following a:

a. State of Maryland Department of Health and Mental Hygiene certificate dated 17 August 1979, reflective of the applicant's completion of the requirements established by the faculty of the School of Practical Nursing of the State Department of Health and Mental Hygiene.

b. State of Maryland Department of Health and Mental Hygiene license reflective of the applicant being recognized by the state of Maryland as a Licensed Practical Nurse. The date of issue of this document is not reflected, however it does have a 31 January 1990 expiration date.

c. College transcripts reflective of the applicant's completion of 26 semester hours of civilian education as recognized by the Community College of Baltimore (between Fall 1978 – Spring 1985) and 9 semester hours recognized by Bowie State College (between Fall 1985-1986).

d. Certificates, reflective of the applicant's completion of Basic Combat Training (27 February 1987), General Medical Orientation (27 March 1987) and the Psychiatric Specialist Course (19 June 1987).

e. DA Form 2496 dated 21 April 1987, reflective of the Supervisor, Education Services Specialist verification of the applicant's completion of 52 semester hours at the Community College of Baltimore and Bowie State College. The form was prepared in support of an accelerated promotion.

5. Review of the applicant's DA Form 2-1 (Personnel Qualification Record) does not contain evidence of any additional awards, to include the Expert Marksmanship Qualification Badge with Grenade Bar that are not currently reflected on his DD Form 214. DA Form 2-1, item 17 (Civilian Education and Military Schools) reflects: Community College of Baltimore (35 Semester Hours), Community College of Baltimore (65 Semester Hours), Bowie State College (6 Semester Hours).

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents and the evidence found within the military record, the Board determined that relief was warranted. The Board carefully considered applicant's contentions, military record and regulatory guidance. The Board noted the provided DA Form 2496 dated 21 April 1987, reflective of the Supervisor, Education Services Specialist verification of the applicant's completion of 52 semester hours at the Community College of Baltimore and Bowie State College and that it was prepared for an accelerated promotion. Practical Nurse (LPN). Based on the preponderance of evidence available for review, the Board determined the evidence presented sufficient to warrant a recommendation for relief.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to any other relief not stated above.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
█	█	█	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected to show

- Grade: Specialist (SPC)/E-4
- Effective Date: 21 April 1987

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to award of the Expert Marksmanship Qualification Badge with Grenade Bar

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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, USC, 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. AR 601-210 (Regular Army and Army Reserve Enlistment Program) provides the eligibility criteria for the enlistment of persons, with or without prior service, into the Regular Army (RA) and the US Army Reserve (USAR). Table 2-3 (Enlistment Pay Grades for Personnel without Prior Service (PS) Rule E, in effect at that time provides that a qualified applicant who has completed:

- 20-29 classroom semester hours of accredited college program may enlist at any time at the rank of Private (PV2)/E-2
- 30 – 59 classroom semester hours may enlist at any time at the rank of Private First Class (PFC) E-3
- an accredited college program of 2 years duration - 60 classroom semester hours with or without a degree may enlist at any time at the rank of PFC with advancement to Specialist (SPC)/E-4 after the completion of:
  - 12 months pf active duty (Regular Army)
  - 12 months of military service and completion of Initial Active Duty Training (IADT)

a. A Soldier not being recommended for advancement by his or her unit commander will be counseled on reasons for denial. The document denying promotion will be filed in the soldier's Military Personnel Records Jacket (MPRJ).

b. Persons may lack necessary documents at time of processing for enlistment. If so, they may present such documents to their personnel officer at any time before completing 12 months of service. Documents will support entitlement for enlistment pay grade that existed before application for enlistment. For USAR personnel, they must present this documentation prior to entry on IADT.

c. To receive an accelerated promotion, applicants must provide Official transcripts, showing academic credit hours to determine eligibility for accelerated promotion.

d. Authority for an enlistment pay grade other than E1 will be explained in the Remarks section on DD Form 1966 (Application for Enlistment into the Armed Forces of the U.S.).

3. AR 600-8-22 (Military Awards) states in paragraph 8-39 a Basic Marksmanship Qualification Badge is awarded to indicate the degree in which an individual, military, or civilian has qualified in a prescribed record course, and an appropriate bar is furnished to denote each weapon with which he or she qualified. Each bar will be attached to the basic badge that indicates the qualification last attained with the respective weapon. Basic qualification badges are of three classes: Expert, Sharpshooter, and Marksman. Approval authority is as follows: (1) Any commander in the rank or position of LTC/O-5 or above may award to Servicemembers of the Armed Forces of the United States; camp and/or post commanders, Professors of Military Science, and Directors of Army Instruction and/or Senior Army Instructors.

4. AR 15-185 (ABCMR) paragraph 2-9 states the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//