

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 August 2024

DOCKET NUMBER: AR20230002885

APPLICANT REQUESTS: in effect, correction of his military records to show his rank/grade at the time of retirement as lieutenant (LT)/O-3 (Navy) instead of staff sergeant (SSG)/E-6 and to receive retirement pay in the highest rank held of LT/O-3 (Navy).

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

- DD Form 149 (Application for Correction of Military Record)
- Correction of Retirement Grade, 10 February 2023
- NAVCRUIT 1000/20 (Officer Appointment Acceptance and Oath of Office), 29 September 1988
- Naval Education and Training Center Graduation Diploma, 22 November 1989
- Certificate of Appointment, 1 October 1991
- DD Form 214 (Certificate of Release of Discharge from Active Duty), 31 October 1995
- Honorable Discharge Certificate, U.S. Navy, 31 October 1995
- NGB Form 23A (Army National Guard (ARNG) Current Annual Statement), 7 November 2020

FACTS:

1. The applicant states, in effect, he is petitioning that his retirement grade should be O-3/LT. The paperwork that was submitted was interpreted as E-6 instead of O-3. The paperwork in his original package for retirement was overlooked. The highest grade that he achieved was O-3/LT in the Navy and he was given an E-6, which he served in the Massachusetts ARNG. He achieved the rank of LT in the Navy, and it was a clerical error that needs to be rectified.

2. The applicant provides:

a. A Naval Education and Training Center Graduation Diploma, which shows he successfully completed the Basic Course conducted at the Naval Chaplains School on 22 November 1989.

b. A certificate of appointment as a LT in the Chaplain Corps, U.S. Navy as a Reserve Officer on 1 October 1991.

c. A discharge certificate, which shows the applicant was honorably discharged from the U.S. Navy on 31 October 1995.

d. NGB Form 23A, dated 7 November 2020, which shows the applicant had accumulated 3130 points and 19 years, 1 month, and 2 days creditable service toward eligibility for retired pay. He required 1 more year of creditable service to reach 20 years. The statement showed at 20 years of creditable service, at the highest pay grade held to date, his monthly retired pay at retirement age would be approximately \$1695.49. The statement also shows highest grade held: O3E.

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

a. He enlisted in the U.S. Marine Corps Reserve on 11 February 1977, in the pay grade of private. He was honorably discharged on 15 January 1981.

b. On 29 September 1988, after a break in service, he took the oath of office as a U.S. Navy Reserve Officer, in the rank of Ensign/O-1.

c. He was honorably discharged from the U.S. Navy Reserve on 31 October 1995, in the rank/grade of LT/O-3. His DD Form 214 shows in:

- Item 12a (Dated Entered Active Duty This Period): 7 September 1991
- Item 12c (Net Active Service This Period): 4 years, 1 month, and 25 days
- Item 12h (Effective Date of Pay Grade): 1 October 1991

d. On 4 December 2006, after a break in service, he enlisted in the ARNG. His DD Form 4 (Enlistment/Reenlistment Document) shows he had 4 years, 11 months, and 24 days of active military service and 3 years, 10 months, and 6 days of total inactive military service.

e. A DD Form 214 which shows he served on active duty from 26 March 2011 to 21 January 2012, in support of Operation Enduring Freedom. He was honorably released and transferred to the ARNG of Massachusetts. He had 9 months and 26 days of active service during the covered period.

f. Orders Number 338-027, issued by the Joint Forces Headquarters, Massachusetts National Guard, Office of the Adjutant General, dated 4 December 2013, shows he was promoted to SSG, effective 15 November 2013, with a date of rank of 15 November 2013.

g. NGB Form 23A, dated 3 January 2019 and 10 January 2020, which shows the highest grade held as O3E.

h. On 12 January 2021, the Massachusetts National Guard, Office of the Adjutant General, issued the applicant a Notification of Eligibility for Retired Pay for Non-Regular Service at Age 60 (20-Year Letter years letter), which notified him he had completed the required years of service to be eligible for retired pay at age 60. His rank at the time of notification was SSG.

i. Orders Number C03-191393, issued by the U.S. Army Human Resources Command, Fort Knox, KY, dated 3 March 2021, shows he was retired and placed on the retired Army of the United States retired list on 2 January 2021, in rank of SSG.

j. His NGB Form 22 (National Guard Report of Separation and Record of Service), shows he was honorably retired on 2 January 2021. This form also shows in:

- Item 5a (Rank): SSG
- Item 5b (Pay Grade): E-6
- Item 10a (Net service this period): 14 years and 28 days
- Item 10b (Period reserve component service): 4 years, 22 months, 14 days
- Item 10c (Prior active federal service): 4 years, 1 month, and 25 days
- Item 10d (Total service for pay): 24 years, 1 month, and 7 days
- Item 10e (Total service for retired pay): 20 years, 1 month, and 2 days

#### 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 evidence of record shows the applicant enlisted in the Army National Guard (ARNG) on 4 December 2006, having had prior service in the U.S. Navy as a lieutenant (LT)/O-3. He served 14 years and 28 days in the ARNG and was promoted to staff sergeant (SSG)/E-6 on 15 November 2013. The applicant was placed on the retired list on 2 January 2021 as a SSG/E-6. The Board noted the applicant's contention that the paperwork submitted overlooked his highest grade held of LT/O-3 in the U.S. Navy; however, the Board determined the applicant served as a SSG/E-6 in the ARNG and was appropriately retired as a SSG/E-6 and relief was not warranted.

2. Based on the foregoing, the Board concluded the applicant is properly received retirement pay as a SSG/E-6.

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.

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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 3961 states, unless entitled to a higher retired grade under some other provision of law, a Regular or Reserve of the Army who retires other than for physical disability retires in the regular or reserve grade that he holds on the date of his retirement.

2. Army Regulation 135-180 (Army National Guard and Army Reserve – Retirement for Non-Regular Service), in effect at the time, prescribed policies and procedures governing non-regular retirement. It states for a member who entered service before 8 September 1980, the retired pay base is the monthly basic pay at the rate applicable on the date when retired pay is granted, of the highest grade held satisfactorily at any time in the Armed Forces.

3. Army Regulation 15-80 (Army Grade Determination Review Board and Grade Determinations) states:

a. Paragraph 2-7 (Period of service) all active service may be considered as continuous, or each period of duty may be considered separately if it is to the Soldier's benefit and there has been a break in service, unless a specific interpretation is required by statute.

b. Enlisted Soldiers will usually retire in the grade held on the day before their placement on the retired list and are not subject to discretionary grade determinations, except for disability separations.

//NOTHING FOLLOWS//