



time out-processing was done in 2008, her command did not care to correct this error. She has had to live with this issue for a long time now and now that she is older, and her health is not great she would like to be buried with the correct rank she earned.

3. A review of the applicant's military records show the following:

a. She enlisted in the U.S. Army Reserve (USAR) on 13 January 2005.

b. On 15 January 2007, the applicant entered active duty in support of Operation Iraqi Freedom.

c. On 13 March 2008, the U.S. Army Installation Management Command, Headquarters, U.S. Army Garrison, Fort Bragg, published Orders Number 073-0289, in which the applicant was Released from Active Duty (REFRAD), effective 8 April 2008. The orders listed her rank/grade as private first class (PFC)/E-3.

d. DD Form 214 shows in:

- item 4a (Grade, Rate or Rank) – PFC
- item 9 (Command to Which Transferred) – "492 CA BN DET 1 2015 West Deer Valley Road Phoenix AZ 850XX"
- item 12a (Date Entered Active Duty This Period) – 16 January 2007
- item 12b (Separation Date This Period) – 8 April 2008
- item 12c (Net Active Service This Period) – 1 year, 2 months, and 23 days
- item 12h (Effective Date of Pay Grade) – 15 May 2006
- item 18 (Remarks) – "Service in Iraq 20070321 - 20080301"
- item 24 (Character of Service) – Honorable

e. On 14 December 2008, she completed and signed a DD Form 93 (Record of Emergency Data) which shows in item 15 (Signature of Service Member/Civilian) her rank listed as SPC.

f. Orders Number 10-273-00007 published by Headquarters, 63D Regional Support Command, Moffett Field, CA, honorably discharged the applicant from the USAR, effective 5 October 2010. The orders list her rank as PFC.

4. The applicant's military records are void of orders which promoted her to SPC.

5. On 24 October 2023, the Chief, Military Personnel Division, Headquarters, United States Army Reserve Command provided an advisory opinion for this case and stated:

a. Records indicate the applicant enlisted into the USAR as a private (PVT)/E-1, 38B - Civil Affairs Specialist, on 13 January 2005. She was initially assigned to the

492nd Civil Affairs Battalion in Phoenix, AZ. Although her official military records contain no promotion orders and few documents from her service in the USAR, the applicant's DD Form 214 (2007-08) indicates her date of rank to PFC as 15 May 2006. A Master Military Pay Account (MMPA) printout from calendar year 2007 shows she was promoted to SPC/E-4, effective 13 January 2007.

b. The MMPA further indicates she was paid as a SPC throughout her deployment to Iraq from March 2007 to March 2008. The applicant's claim of erroneous rank on her DD Form 214 and REFRAD orders appears to be valid as there is no evidence of a reduction in rank during her deployment. These documents were generated by the U.S. Army Installation Management Command at the demobilization site of Fort Bragg, in March 2008.

c. Following her deployment to Iraq and REFRAD in April 2008, the applicant was reassigned to her original unit, the 492nd Civil Affairs Battalion, Phoenix, AZ. She received excused absences for regularly scheduled battle assemblies with her unit until 14 July 2008, when she performed 29 days of Annual Training (AT). Following completion of AT, she received a total of 12 unexcused absences from September thru November 2008. In accordance with reference 1c, Soldiers who accrue 9 or more unexcused absences in any 12-month period will be declared an unsatisfactory participant and may be reduced in rank by the commander. Additionally, The Army Personnel Database Reserve (TAPDB-R) indicates she missed 24 Unit Training Assemblies (UTA) in calendar year 2009. Consequently, the applicant's commander reduced her in rank from specialist to private first class in January 2010 and initiated unsatisfactory participation separation action. The applicant was separated effective 5 October 2010 as an unsatisfactory participant.

d. After an exhaustive review of this case, this Headquarters cannot recommend relief for the applicant's promotion to SPC. Evidence indicates the applicant was reduced in rank to PFC for unsatisfactory participation in January 2010. Subsequently, she was discharged on 5 October 2010 with the rank of PFC for unsatisfactory participation.

6. On 31 October 2023, the applicant was provided a copy of the USARC advisory opinion for comments or rebuttal. She did not respond.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy

and regulation. Upon review of the applicant’s petition, available military records and Headquarters, U.S. Army Reserve Command-Military personnel Division, the Board concurred with the advising official finding insufficient evidence to support correction to the applicant’s orders number 10-273-00007 dated 30 September 2010 to show her rank/grade as SPC/E-4. The opine noted, the applicant was reduced in rank to PFC for unsatisfactory participation in January 2010. Subsequently, she was discharged on 5 October 2010 with the rank of PFC for unsatisfactory participation.

2. However, the Board determined based on the opine there is sufficient evidence to support correction to the applicant’s DD Form 214 for the period ending 8 April 2008, showing her rank /grade as specialist (SPC)/E-4. Evidence shows the applicant was paid as a SPC throughout her deployment to Iraq from March 2007 to March 2008 As such, the Board granted partial relief to correct the applicant DD Form 214.

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 by amending the applicant's DD Form 214 for the period ending 8 April 2008 to show in item:

- 4a (Grade/Rate or Rank) SPC
- 4b (Pay Grade) E-4

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 Orders Number 10-273-00007 dated 30 September 2010 to show her rank/grade as SPC/E-4

2/18/2024

X 

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. 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. Army Regulation (AR) 635-8 (Separation Processing and Documents) prescribes the transition processing function of the military personnel system. It provides principles of support, standards of service, policies, tasks, rules, and steps governing required actions in the field to support processing personnel for separation and preparation of separation documents.

a. Paragraph 5-1 (When to prepare the DD Form 214) states, the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a

brief, clearcut record of all current active, prior active, and prior inactive duty service at the time of REFRAD, retirement, or discharge. The DD Form 214 is not intended to have any legal effect on termination of a Soldier's service.

b. Paragraph 5-6 (Rules for completing the DD Form 214) states, this paragraph provides detailed instructions for data required in each block of the DD Form 214. The detailed instructions for Block 4a (Grade, Rate, or Rank) state to verify that active duty grade or rank and pay grade are accurate at time of separation.

3. AR 600-8-105 (Military Orders) prescribes the policies and mandated operating tasks for the orders program of the military personnel system. It establishes standards and provides an operational document in a logical sequence. Paragraph 2–25 (Amendments, revocations, and rescissions) states, only the organization that published the original order may amend, rescind, or revoke the order. Commanders may revoke award orders if issued by another headquarters only when authorized under AR 600-8-22.

//NOTHING FOLLOWS//