

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 January 2024

DOCKET NUMBER: AR20230005302

APPLICANT REQUESTS: transfer his E-5 status from the Marine Corps to the Army.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- Grade Report

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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, he served for five years in the U.S. Marine Corps (USMC) and switched to the Army in January 2020 as an E-4. He was never taken out of the Marine Corps Individual Ready Reserve (IRR) and picked up E-5 on 1 April 2020, while in the Marine Corps Individual Ready Reserve (IRR), but he had also been in the Army for four months. His first two years in the Army, he was still attached to the USMC. He is requesting to transfer his E-5 status from the USMC to the Army. He believes it was the failure in Army recruiting to send the proper paperwork to have him released from the Marine Corps IRR. The applicant has informed his chain of command and told them of his situation and was told it was too late and he was out of luck.
3. As of the date of his application, he is currently on active duty in the Regular Army.
4. The applicant provides the following documents:
 - a. U. S. Marine Corps (USMC) DD Form 214, which shows the applicant was honorably transferred to Commander, Marine Forces Reserve in the pay grade of E-4 on 20 July 2019. He was transferred due to completion of required active duty service. He had honorably completed 5 years of active duty service.

b. Document entitled Grade Report, which shows his permanent grade as E-5 with a date of rank (DOR) of 1 April 2020.

4. The applicant's service record contains the following documents:

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States), dated 8 January 2020, shows the applicant enlisted in the Army in the pay grade of E-4 for a period of 3 years and 9 weeks.

b. The applicant's DD Form 1966 (Record of Military Processing) shows the entry "Enlistment grade is E-4 in accordance with AR 601-210, Active and Reserve Components Enlistment Program, paragraph 3-17."

c. Enlisted Record Brief, dated 18 November 2022, which shows the applicant is in the pay grade of E-4 with a DOR of 8 January 2020.

d. DD Form 4, dated 2 December 2022, shows the applicant reenlisted in the Army in the pay grade of E-4 for a period of 4 years.

e. The applicant's service record is void of documentation showing he was promoted to E-5 in the USMC IRR or that he was recommended for promotion to E-5.

5. On 14 November 2023, the Chief, Enlisted Promotion, Promotions Branch, U. S. Army Human Resources Command (AHRC) provided an advisory opinion, which states:

a. After review of the applicant's application, it has been determined his request for correction of military records should be denied. In accordance with (IAW) Army Regulation (AR) 600-8-19 (Enlisted Promotions and Reductions), dated 16 May 2019, paragraph 1-14a(4)(a) on enlistment in the Army (any component) of a former enlisted member of the Armed Forces, other than the Army, if enlisted in the Regular Army (RA) the date of rank (DOR) of the enlistment grade is the date of enlistment in the RA.

c. A review of the applicant's Army Military Human Resources Record revealed a conditional release from the United States Marine Corps (USMC) inactive reserve as of 8 January 2020 and a RA Enlistment contact dated the same date. He was assessed into the Army as a specialist (E-4) with a DOR of 8 January 2020 IAW Army policy. Although the applicant presented a document titled present grade/grade selected report dated 23 April 2023, that document has no value because the applicant no longer belonged to the USMC. Additionally, because he was no longer in the USMC on 1 April 2020, any purported, unverified promotion would not be valid for RA service.

6. On 5 December 2023, the advisory opinion was provided to the applicant to allow him the opportunity to respond. He did not respond.

BOARD DISCUSSION:

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 Regular Army on 8 January 2020 in the grade of SPC/E-4. By regulation, on enlistment in the Army (any component) of a former enlisted member of the Armed Forces, other than the Army, if enlisted in the Regular Army (RA) the date of rank (DOR) of the enlistment grade is the date of enlistment in the RA. The Board reviewed and agreed with the HRC advisory opinion that although the applicant presented a document titled present grade/grade selected report dated 23 April 2023, that document has no value because the applicant no longer belonged to the USMC. Additionally, because he was no longer in the USMC on 1 April 2020, any purported, unverified promotion would not be valid for RA service. The Board determined the grade he received upon his enlistment in the RA is not in error or unjust.

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.

■

■

■

■

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, U.S. Code, 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 600-8-19 prescribed enlisted promotion and reduction functions. It states:

a. Army (any component) of a former enlisted member of the Armed Forces, other than the Army if enlisted in the RA the DOR of the enlistment grade is the date enlistment in the RA.

b. Each month active Army Soldiers in all military occupational specialties who meet the following criteria will be automatically integrated onto the SGT and SSG promotion standing list to sergeant/E-5:

- 46 months time in service (to become eligible for promotion at 48 months)
- 10 months time in grade (to become eligible for promotion at 12 months)
- otherwise not ineligible in accordance with this regulation
- not otherwise denied by the commander
- Soldier must have a minimum of 90 days remaining service as of the month of integration onto the recommended list

//NOTHING FOLLOWS//