

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 January 2024

DOCKET NUMBER: AR20230005567

APPLICANT REQUESTS: correction of DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect the rank/grade of major (MAJ)/O-4 rather than captain (CPT)/O-3.

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

- DD Form 149 (Application for Correction of Military Record)
- Orders Number 201-026, 20 July 2022
- DD Form 214, 10 August 2022

FACTS:

1. The applicant states in pertinent part that his DD Form 214 for the period ending on 10 August 2022, is incorrect because it does not reflect his rank as MAJ. He contests that he was promoted to MAJ while on terminal leave.
2. A review of the applicant's available service records reflects the following:
 - a. On 14 May 2010, the applicant was appointed a Reserve commission at the rank/grade of second lieutenant (2LT)/O-1 and was subsequently ordered to active duty on 1 February 2011 to serve as a Field Artillery officer.
 - b. On 28 June 2011, the applicant completed the Basic Officer Leader Course.
 - c. On 23 April 2012, Headquarters, U.S. Army Human Resources Command (AHRC) issued Orders Number 114-015 announcing the applicant's promotion to the rank/grade of first lieutenant (1LT)/O-2, effective 13 May 2012.
 - d. On 21 October 2014, AHRC issued Orders Number 294-012 announcing the applicant's promotion to the rank/grade of CPT/O-3, effective 1 November 2014.
 - e. On 17 July 2018, the applicant completed the Captains Career Course.

f. On 11 April 2022, Headquarters, U.S. Army Garrison, Fort Sill, issued Orders Number 101-1306 reassigning the applicant to the U.S. Army transition point pending discharge in accordance with Army Regulation (AR) 600-8-24 (Officer Transfers and Discharges) with a reporting date of 10 August 2022. Any temporary commissions or appointments held are terminated.

g. On 20 July 2022, AHRC issued Orders Number 201-026 announcing the applicant's promotion to the rank/grade of MAJ/O-4, effective 1 August 2022.

h. On 10 August 2022, the applicant was honorably discharged from active duty in accordance with AR 600-8-24. DD Form 214:

- item 4a (Grade, Rate or Rank) shows "CPT"
- item 12i (Effective Date of Pay Grade) shows 1 November 2014
- item 26 (Separation Code) reflects "FND"
- item 28 (Narrative Reason for Separation) reflects "Miscellaneous/General Reasons"

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows a promotion order was published on 22 July 2022 to be effective on 1 August 2022. The applicant was separated on 10 August 2022. Although his separation packet is not available and that he was separated for general/miscellaneous reasons, presumably due to resigning his commission, he did receive an honorable characterization of service and was promoted prior to his separation. As such, his DD Form 214 should reflect the promotion grade.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending his DD Form 214 as follows:

- Block 4a (Grade, Rate or Rank) and 4b (Pay Grade) MAJ/O-4
- Block 12i (Effective Date of Pay Grade) shows 1 August 2022



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. AR 600-8-29 (Officer Promotions) prescribes policies, operating rules, and steps governing promotion of Army commissioned and warrant officers on the active-duty list.
 - a. Paragraph 3-5 (Accepting Promotion) provides that unless an officer declines a promotion in writing under the provisions of this regulation, he or she is considered to have accepted the promotion on the effective date announced in the promotion order. Officers accepting a promotion to any grade other than CW3, CW4, and CW5 do not incur an additional service obligation.

b. Paragraph 3-6 (Nonpromotable status and delay of promotion) states, an officer is in a nonpromotable status when the officer is under proceedings that may result in administrative elimination or discharge under any condition other than Honorable (for example, General, Under Other than Honorable Conditions, Bad Conduct, or Dishonorable). This includes resignation for the good of the service.

2. AR 635-8 (Separation Processing and Documents) prescribes policy and procedural guidance relating to transition management. It consolidates the policies, principles of support, and standards of service regarding processing personnel for transition. DD Form 214, item 4a./b. (Grade, Rate or Rank and Pay Grade) will reflect the active-duty grade or rank and pay grade at time of separation.

3. AR 635-5-1 (Separation Program Designation (SPD) Codes) provides policy for standardization of certain entries on DD Form 214 (Certificate of Release or Discharge from Active Duty) and has been revised to update the SPD codes, authorities, and reasons for their use and control. Paragraph 2-6 (Separation Program Designators Applicable to Officer Personnel), Table 2-2 (Officer Personnel) provides that separation code "FND" on DD Form 214 pertains to "Resignation – Miscellaneous/General Reasons" in accordance with AR 600-8-24 (Officer Transfers and Discharges).

4. AR 600-8-24 (Officer Transfers and Discharges), Paragraph 1-22 (Termination of Appointment (Active-Duty List Officer Only) provides acceptance of the resignation or the discharge of officers in an RA or Reserve status, unless otherwise specified in this regulation, will result in appropriate action being taken to terminate any warrant or temporary commission they may be holding simultaneously. An officer approved for involuntary separation by SECARMY (or designee) or whose request for resignation or discharge in lieu of elimination is approved will be separated accordingly.

//NOTHING FOLLOWS//