

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 December 2023

DOCKET NUMBER: AR20230005584

APPLICANT REQUESTS:

- correction of his rank/grade from private first class (PFC)/E-3 to specialist four (SP4)/E-4
- to be issued a General Education Diploma (GED)

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 2-1 (Personnel Qualification Record)
- Education Development Record
- Department of Veterans Affairs (VA) rating decision, 29 November 2019

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 he is requesting a correction to his rank. His DA Form 2-1 indicates his grade as SP4 with a Date of Rank (DOR) of 1 December 1980. However, his DD Form 214 (Certificate of Release or Discharge from Active Duty) lists PFC. As a condition of his delayed entry program orders, the recruiter promised his parents that he would obtain his GED. His GED course completion is listed on his "DA Form 669." Please provide his GED certificate. As a disabled Army Veteran, it is his expectation that all promises would be kept by the U.S. Army. Service-connected disabilities were sustained as a result of an in-service military motor vehicle accident in December 1981. His rank was suspended for 90 days and has yet to be restored.

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

- a. He enlisted in the Regular Army on 3 April 1979.

b. Orders Number 310-94 published by the 177th Personnel Service Company, Germany, promoted the applicant to SP4/E-4, effective on with a DOR of 1 December 1980.

c. On 18 November 1981, the 177th Personnel Service Company (PSC) published Orders Number 316-76, which assigned the applicant to the Separation Transfer Point, Fort Jackson, SC, for separation processing with a report date of 31 March 1982. The Orders listed his rank as SP4/E-4.

d. On 31 March 1982 –

(1) An endorsement from the Transfer Point Assistant Adjutant, Fort Jackson, SC to the applicant shows he was released from active duty. His rank was listed as PFC/E-3.

(2) DD Form 214 shows he was released from active duty and transferred to the U.S. Army Reserve (USAR) Control Group (Reinforcement). Item 4a (Grade, Rate or Rank) shows his rank as PFC and item 12h (Effective Date of Pay Grade) shows 18 February 1982.

e. His record contains a DA Form 2-1 – Part II, which shows in item 18 (Appointments and Reductions) his DOR for SP4 as 1 December 1980 and PFC as 18 February 1982.

f. Orders Number D-05-025003 published by the USAR Personnel Center, St. Louis, MO, honorably discharged the applicant from the Ready Reserve, effective 19 June 1984. The Orders list his rank as PFC.

g. The applicant's record is void of a GED; nonetheless, the ABCMR is not a records custodian.

4. The applicant provides:

a. An Education Development Record which references a GED.

b. VA rating decision dated 29 November 2019 which shows a combined rating evaluation of 80 percent, effective 31 January 2019.

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.

a. The evidence of record shows the applicant was advanced to SP4/E-4 with an effective date and date of rank of 1 December 1980. His DA Form 2-1 shows in item 18 (Appointments and Reductions) his DOR for SP4 as 1 December 1980 and PFC as 18 February 1982, indicating he was reduced to PFC/E-3 on 18 February 1982. He was honorably released from active duty on 31 March 1982 in the rank/grade of PFC/E-3. There is no evidence he was promoted back to SP4/E-4 between the date of reduction and the date of separation.

b. Regarding his GED, the Board corrects Army records; it is not a custodian of the applicant's service records. If the applicant has completed his GED, the Board recommends he contact the Education Office at the installation where he completed his GED and provide evidence of such completion.

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 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) 15–185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. In pertinent part, it states that 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. The ABCMR will decide cases based on the evidence of record. The ABCMR is not an investigative agency.
3. AR 635-5 (Separation Documents) in effect at the time, prescribes the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service or control of the Army. For item 4a enter active duty grade of rank and pay grade at time of separation.

//NOTHING FOLLOWS//