

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 December 2023

DOCKET NUMBER: AR20230006025

APPLICANT REQUESTS: correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show she held the rank/grade of specialist (SPC)/E-4, vice private first class (PFC)/E-3.

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

DD Form 149 (Application for Correction of Military Record)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). 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 her DD Form 214 incorrectly lists her rank/grade as PFC, but she was a SPC on the date of her separation; the applicant offers no documentary evidence to support her request.
3. A review of the applicant's service record reveals the following:
  - a. On 28 July 1986, the applicant enlisted into the U.S. Army Reserve for 8 years; on her entry into the USAR, she held the rank/grade of private (PV1)/E-1.
  - b. On 20 August 1986, the applicant entered initial active duty for training (IADT) to complete her initial entry training (IET). Her DA Form 2-1 (Personnel Qualification Record – Part II) shows that, between 26 August and 26 October 1986, she participated in basic combat training at Fort McClellan, AL.
  - c. On or about 27 October 1986, the applicant transferred to Aberdeen Proving Ground, MD for advanced individual training (AIT) in military occupational specialty (MOS) 63G (Fuel and Electrical Systems Repairer). Effective 20 February 1987, the

applicant advanced in rank/grade to private (PV2)/E-2. On 25 March 1987, following the award of MOS 63G, orders honorably released the applicant from active duty and returned her to her USAR Troop Program Unit (TPU). Her DD Form 214 shows she completed 7 months and 6 days of net active duty; item 13 (Decorations, Medal, Badges, Citations, and Campaign Ribbons Awarded or Authorized) lists the Army Service Ribbon and a marksmanship qualification badge.

d. On 5 June 1989, the applicant's TPU commander sent a memorandum through the chain of command to the Commander, 1st U.S. Army at Fort Meade, MD, requesting a medical review board for the applicant; he stated the applicant had sustained an injury while on IADT, and, while she held an MOS, she did not have an MOS authorized in the commander's unit. Additionally, with her current physical profile, the applicant would not be able to successfully complete an MOS-producing course.

e. On 3 May 1990, a physical evaluation board (PEB) determined the applicant was unfit for continued military service and recommended a 10 percent disability rating and separation with severance pay. Effective 17 July 1990, U.S. Total Army Personnel Command orders discharged the applicant from the USAR with a 10 percent disability rating and directed the applicant receive severance pay in the rank/grade of PFC/E-3.

f. Apart from the above-cited period of IADT, the applicant's available service record is void of any additional DD Forms 214.

4. Army Regulation (AR) 635-5 (Separation Documents), in effect at the time, prescribed policies and procedures for the preparation of the DD Form 214; it stated the DD Form 214 served as a record of a Soldier's military service and was used by the Army, civilian employers, and governmental agencies as a source of information. In the completion of the DD Form 214, preparers were to refer to the Soldier's military personnel file and draw required entries from enlistment documents, prior service DD Forms 214, and DA Forms 2-1.

5. AR 15-185 (ABCMR), currently in effect, provides guidance and procedures for the ABCMR; the regulation states:

a. The ABCMR decides cases on the evidence of record; it is not an investigative body. Additionally, the ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).

b. The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning there is a greater than 50 percent chance that what an applicant's claims is accurate.

**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 Board considered the applicant's contentions, the military record, and regulatory guidance. The Board noted that the applicant completed advanced individual training, awarded a MOS, advanced in rank/grade to (PV2)/E-2 and subsequently released from active duty and returned her to her USAR Troop Program Unit (TPU). Further documentation does not reveal that she advanced to the rank of specialist (SPC)/E-4, vice private first class (PFC)/E-3 and none was provided on her own behalf. After due consideration of the applicant's request, the Board determined the evidence presented did not meet the burden of proof in determining the existence of an error or injustice and a recommendation for relief is not warranted.

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 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.

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

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) 635-5 (Separation Documents), in effect at the time, prescribed policies and procedures for the preparation of the DD Form 214; it stated the DD Form 214 served as a record of a Soldier's military service and was used by the Army, civilian employers, and governmental agencies as a source of information. In the completion of the DD Form 214, preparers were to refer to the documents in the Soldier's military personnel file; this included enlistment documents, prior service DD Forms 214, and DA Form 2-1.

3. AR 15-185 (ABCMR), currently in effect, provides guidance and procedures for the ABCMR.

a. The regulation states the ABCMR decides cases on the evidence of record; it is not an investigative body. Additionally, the ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).

b. The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning there is a greater than 50 percent chance that what an applicant's claims is accurate.

//NOTHING FOLLOWS//