

f. On 23 February 1973, Headquarters, U.S. Army Personnel Center issued Special Orders Number 41 releasing the applicant from active duty at the rank/grade of SP4/E-4. DD Form 214, item 5a./b. (Grade, Rate or Rank/Pay Grade) reflects "SP4/E-4." Item 6. (Date of Rank) reflects "8 November 1971."

4. The applicant did not provide nor does review of his available service records reflect evidence of his promotion to SGT.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.

2. The Board found that, although the applicant had been recommended for promotion to SGT and likely appeared before a promotion board, the record does not contain any evidence of an approved promotion to SGT prior to his release from active duty. In the absence of documentation confirming promotion to SGT was approved and promotion orders were published, the Board determined the rank shown on his DD Form 214 is not an error.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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|---|---|---|----------------------|
| : | : | : | 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.

4/1/2024

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) 15-185 (ABCMR) paragraph 2-9 states 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.
3. AR 635-5 (Separation Documents) in effect at the time states that the DD Form 214 will reflect the conditions and circumstances that existed at the time the records were created. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form be complete and accurate and reflects the conditions as they existed at the time of separation. Personnel officers will prepare and authenticate DD Form 214 prior to forwarding records to the transfer facility. All available records will be used as a basis for the preparation of DD Form 214, including DA Form 20 (Enlisted Qualification Record), and orders. Item 5a./b. (Grade, Rate or Rank/Pay Grade) will reflect the service members rank and pay grade at the time of separation.

4. AR 600-200 (Enlisted Personnel Management System) Chapter 7 (Promotions) in effect at that time contains the standards that offer Army wide opportunities for advancement. By using the standard promotion scoring forms with predetermined promotion point factors, Soldiers in pay grades E-4 and E-6 can generally measure how well they qualify for promotion. Soldiers will be recommended for promotion only after they develop the skills and abilities to perform the duties and assume the responsibilities of the higher grade. Promotions to grades E-4 through E-9, and grade restorations will be announced in orders.

//NOTHING FOLLOWS//