

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 23 January 2024

DOCKET NUMBER: AR20230007228

APPLICANT REQUESTS: correction of his service record to reflect he was promoted to the rank/grade of sergeant (SGT)/E5.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored statement
- Page 1 of DA Form 20 (Enlisted Qualification Record)
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge)
- DD Form 256A (Honorable Discharge Certificate)
- Multiple photographs
- Copy of passport agency document
- Picture of military medals
- Copy of various licenses

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 in pertinent part, he earned the promotion to SGT/E-5 but was denied due to personal prejudices. He heard the hate from others which made him stronger. His First Sergeant and Sergeant Major did not help him with his promotion. He used his personal vehicle to get everyone to the airfield for work using his own money. His evaluations as a specialist four (SP4)/E-4 were excellent. He generated the unit's training and safety programs. His appointment to the noncommissioned officer academy was cancelled which would have been a good change for promotion.

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

a. The applicant enlisted in the Regular Army on 25 September 1964 in the rank/grade of private (PVT)/E-1.

b. DA Form 20 shows in item 33 (Appointments and Reductions):

- PVT/E-1 (Permanent (P)) – Date of Rank (DOR) 25 September 1964
- Private Two (PV2)/E-2 (P) – DOR 25 January 1965
- Private First Class (PFC)/E-3 (P) – DOR 8 June 1965
- SP4/E-4 (Temporary (T)) – DOR 29 January 1966
- SP4/E-4 (P) – DOR 29 January 1967 (lined through)
- SP4/E-4 (P) – DOR 29 January 1966

c. The applicant was honorably released from active duty on 15 September 1967. DD Form 214 shows the applicant completed 2-years, 11-months and 21-days of active service. It also shows in items:

- 5a (Grade, Rate or Rank): SP4 (P)
- 5b (Pay Grade): E-4
- 6 (Date of Rank): 29 January 1966
- 30 (Remarks: Item 5a Date of Appointment SP4/E-4 (P) 29 January 1967

4. The applicant provides:

a. DD Form 256A shows the applicant was honorably discharged from the U. S. Army Reserve on 24 September 1970 in the rank/grade of SP4/E-4.

b. Multiple photographs:

- Mountain
- Person on skis with caption stating GI rents boots and pants and only American on the mountain, "How did I do that on E-4 pay?"
- Person with caption stating lead lifeguard
- Female with caption stating Registered Nurse girlfriend
- Vehicle with caption stating "transportation to airfield, my gas"
- Tracked vehicle with caption stating 2nd Battalion, 92nd Artillery, 6/9th gun, not my job
- Person flexing with caption stating Phu Loi Battalion Aviation 9-10 captain
- Soldier with name tape R- M- with caption stating the tailor gave him a discount, handmade civilian clothing, saluted entering the gate, jealous

c. Department of State Passport Agency document which stated the bearer (the applicant) proceeded to Vietnam on 16 January 1968.

d. Photograph of:

- National Defense Service Medal
- Army Good Conduct Medal
- Medal for TET 68 to civilian (the applicant)
- Male with caption stating 6-years tourist police, Number one team Chinese tourist and bad guys

e. Photographs of:

- Stanford Alumni Association life member
- State of California (CA) Department of Real Estate identification
- Lead Mechanic for United Airlines badge for the applicant
- CA hunting license
- License for U.S. Golf Teachers Federation
- State of Florida concealed weapon or firearm license
- Nevada concealed weapon permit

5. On 31 July 2023, in the processing of this case, the U. S. Army Human Resources Command provided an advisory opinion regarding the applicant's request for the correction of his service record to reflect he was promoted to the rank/grade of SGT/E-5. The advisory official stated that a review of the applicant's service record determined his request should be denied. The junior enlisted promotion records for 1967 were not archived. The applicant's DD Form 214 shows he was in a promotable status at the time of his release from active duty but does not indicate his promotion points he had at the time.

6. On 1 August 2023, the Army Review Boards Agency, Case Management Division provided the applicant the advisory opinion for review and comment. 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 shows the applicant served on active duty from 25 September 1964 to 15 September 1967, completing 2 years, 11 months, and 21 days of active service. His records show the highest grade he attained was SP4/E-4 on 29 January 1967. The Board reviewed and agreed with the U. S. Army Human Resources Command review that states the junior enlisted promotion records for 1967 were not archived. The applicant's DD Form 214 shows he was in a promotable status at the time of his release

from active duty but does not indicate his promotion points he had at the time. The Board determined there is insufficient evidence to grant him the requested relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, the Board found 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.

ADMINISTRATIVE NOTE(S):

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending September 15, 1967, by:
 - a. Delete: Item 30 (Remarks: Item 5a Date of Appointment SP4/E-4 (P) 29 January 1967.
 - b. Add: Item 30: Item 5a Date of Appointment SP4/E4 (P) 29 January 1966.

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.

- DD Form 214 service ending September 15, 1967
- DA Form 20 (Enlisted Qualification Record)

3. Please correct the applicant's DD Form 214 by correcting the data shown in paragraph 1a and b above. Provide the applicant a copy of the corrections. Please ensure that the corrections are recorded in the applicant's official military personnel record.

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) 600-200 (Enlisted Personnel Management System) in effect at the time, prescribe policies, responsibilities, and procedures pertaining to career management of Army enlisted personnel.

a. Paragraph 7-4a, promotion of enlisted personnel to the grade of E3 through E9, appointments, grade reductions and grade restorations will be announced in routine orders.

b. Paragraph 7-13, eligibility criteria of enlisted personnel of the active Army to pay grades E5 and E6 are made against promotion cutoff scores.

c. Paragraph 7-15 (Time in grade and time in service) for promotion to the grade of E-5 is 8-months time in grade and 36-months time in service for the primary zone and 24-months time in service for the secondary zone. Receive recommendation or concurrence in recommendation from the unit commander.

3. AR 635-5 (Separation Documents) in effect at the time prescribes the separation documents that will be furnished each individual who is separated from the Army. Source documents consist of all available records to include DA Form 20 and orders. Item 5a, enter the grade in which serving at the time of separation, indicating whether permanent or temporary.

//NOTHING FOLLOWS//