

IN THE CASE OF: ██████████

BOARD DATE: 14 February 2024

DOCKET NUMBER: AR20230007529

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from Active Duty), ending 10 June 1975 to reflect promotion to the rank/grade of sergeant (SGT)/E-5.

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

- DD Form 149 (Application for Correction of Military Record)
- Personal Letter
- DA Form 2166-4 (Enlisted Efficiency Report)
- National Personal Records Center (NPRC) Service Request Data Sheet
- NPRC Response Letter

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, in 1974 he was told by his company commander that he was to be recommended for promotion to SGT. However, due to unforeseen circumstances, the commander was transferred to another base and never completed the action for promotion. Since the communication was verbal, there is no evidence to submit, but he would like to be promoted as he was promised.

3. A review of the applicant's available service record reflects the following:

a. On 29 June 1972, he enlisted in the Regular Army for a period of 3 years at the rank of private (PVT)/E-1.

b. DA Form 20 (Enlisted Qualification Record), item 33 (Appointments and Reductions) shows his rank as follows:

- Private (PVT), effective 29 June 1972

- Private (PV2), effective 29 October 1972
- Private First Class (PFC), effective 30 August 1973
- Specialist Four (SP4), effective 1 April 1974

c. DA Form 2-1 (Personnel Qualification Record-Part II), item 18 (Appointments and Reductions) shows his rank as follows:

- PVT, effective 29 June 1972
- PV2, effective 29 October 1972
- PFC, effective 30 August 1973
- SP4, effective 1 April 1974

d. On 1 April 1974, Headquarters, United States Army, Europe and Seventh Army, issued Special Orders Number 91 promoting him to the rank of SP4.

e. On 9 June 1975, the U.S. Army Administration Center and Fort Benjamin Harrison issued Special Orders Number 112, honorably releasing him from active duty, effective 10 June 1975, at the rank of SP4.

f. DD Form 214, ending 10 June 1975, reflects an honorable release from active duty and transfer to the U.S. Army Reserve (USAR) Control Group (Annual Training) with service from 29 June 1972 to 10 June 1975 for a net active service this period of 2 years, 11 months, and 12 days. Item 6a (Grade, Rate or Rank) shows SP4.

g. On 23 May 1978, the Office of the Adjutant General, Reserve Components Personnel and Administration Center issued Orders Number 05-1042617 honorably discharging him from the USAR, effective 28 June 1978.

h. On 9 September 2015, the U.S. Army Human Resources Command (HRC) issued Permanent Orders Number 252-05 retroactively awarding him the award of the Army Good Conduct Medal.

i. DD Form 215 (Correction to DD Form 214, Certificate of Release or Discharge from Active Duty) was issued amending the DD Form 214, ending 10 June 1975, by adding the awards of the Army Good Conduct Medal and the Marksman Badge with Auto Rifle Bar.

j. His record is void of orders promoting him to the rank of SGT.

4. The applicant provides the following:

a. Personal Letter wherein he provides his data and contact information for his service request number for records.

b. DA Form 2166-4 showing his efficiency ratings as a PFC and a recommendation to promote immediately while assigned to Headquarters and A Company, 703rd Maintenance Battalion.

c. NPRC Service Request Data Sheet showing he was issued a DD Form 149 to apply for a military records correction.

d. NPRC Response Letter notifying the applicant that he must submit his request to correct his military records to the Army Review Boards Agency.

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 carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined his record is absent evidence that shows he was promoted to SGT/E-5 prior to his discharge. Based on regulatory guidance, promotion to SGT/E-5 are announced with official orders. The Board agreed the request for relief to correct the applicant's DD Form 214 reflecting promotion to the rank/grade of sergeant (SGT)/E-5 has no merit as the available evidence does not support the applicant was ever promoted to the rank of sergeant. Therefore, the Board denied 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:

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.

3/29/2024

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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) 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 will consist of DA Form 20. Item 6a; enter the grade in which serving at the time of separation.
3. AR 600-200 (Enlisted Personnel Management System) in effect at the time states, in section 7-3 (Authority to promote) states pay grades E-5 and E-6. Field grade commanders of any organization which is authorized a commander in the grade of lieutenant colonel or higher may promote assigned personnel to pay grades E-5 and E-6. Promotions will be announced in orders.

//NOTHING FOLLOWS//