

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 March 2024

DOCKET NUMBER: AR20230008453

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show:

- his correct rank
- he is a combat veteran

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending 17 November 2021

FACTS:

1. The applicant states he requests to display his correct rank and to show he is a combat veteran.
2. This case contains administrative corrections addressing the applicant's requests to show he is a combat veteran. The Board should only consider his contentions related to correcting his rank.
3. A review of the applicant's official military record shows the following:
  - a. He enlisted in the Regular Army for a period of 4 years on 3 July 2017.
  - b. On 27 December 2017, Headquarters, III Corps and Fort Hood published Orders Number HO-361-0021, which deployed the applicant in a temporary change of station status in support of Operation Inherent Resolve - Iraq, with a proceed date on or about 8 February 2018 and not to exceed 270 days.
  - c. On 2 September 2018, Headquarters, III Corps and Fort Hood published Orders Number HO-361-0021(A1), which amended Orders Number HO-361-0021 to add an accounting code.

d. On 5 September 2019, Headquarters, III Corps and Fort Hood published Orders Number HO-248-0079, which deployed the applicant in support of Korea Rotational Force with a proceed date on or about 9 October 2019 and not to exceed 270 days.

e. His record contains DA Forms 4187 (Personnel Action) which show his duty status was changed to absent without leave (AWOL) effective 17 September 2020 and dropped from Army rolls, effective 18 October 2020.

f. On 2 February 2021, he was apprehended and transported to the Fort Hood Military Police Station. DA Form 4187 shows his duty status was changed to present for duty.

g. On 22 September 2021, Headquarters, III Corps and Fort Hood published Orders Number 265-0177, which assigned the applicant to the Fort Hood transition point for transition processing with a report and release from active duty date of 17 November 2021. The orders show his rank as "PV1" (private/E-1).

h. The applicant was honorably released from active duty and transferred to the U.S. Army Reserve Control Group (Reinforcement) on 17 November 2021. His DD Form 214 shows he completed 3 years, 11 months, and 28 days active service. It also shows in:

- item 4a (Grade, Rate or Rank) – PV1
- item 12i (Effective Date of Pay Grade) – 30 August 2021
- item 18 (Remarks) – "Service in Korea 20191019 - 20200703"
- item 25 (Separation Authority) Army Regulation 635-200 (Active Duty Enlisted Administrative Separations)
- item 28 (Narrative Reason for Separation) – Completion of Required Active Service
- item 29 (Dates of Time Lost During This Period) – Under Title 10, U.S. Code, Section 972, he had lost time from 9 to 10 September 2020 and 17 September 2020 to 1 February 2021

i. His record contained an Enlisted Record Brief, dated 13 December 2021, which shows in pertinent part:

- 17 September 2020, he was flagged for adverse action
- 19 October 2019 to 3 July 2020, he served in Korea; and lists no other entries for overseas/deployment combat duty
- 30 August 2021, was his date of rank for PV1/E-1; indicating he was reduced in rank on this date

4. On 15 February 2024, an inquiry was placed with the Defense Finance and Accounting Service (DFAS) to determine whether the applicant was entitled to hazardous duty pay or imminent danger pay in support of his request to show he was a combat veteran.
5. On 28 February 2024, a DFAS official responded to the inquiry stating, the applicant's Master Military Pay Account shows he was deployed to Iraq from 11 February 2018 to 11 July 2018.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The Board found insufficient evidence to support the applicant's rank correction.

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:

Other than the corrections addressed in the Administrative Note below, 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 otherwise insufficient as a basis for correction of the records of the individual concerned.

[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.

ADMINISTRATIVE NOTE:

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 for the period ending 17 November 2021, by adding to block 18 (Remarks) "SERVICE IN IRAQ FROM 20180211 to 20180711."
2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board:
  - Master Military Pay Account
  - DFAS email
3. Please correct the applicant's DD Form 214 by correcting item 18 as shown in paragraph 1 above. Provide the applicant a copy of the correction. Please ensure that the correction is recorded in the applicant's official military personnel record.

REFERENCES:

1. Army Regulation (AR) 15–185 (Army Board for Correction of Military Records (ABCM)) 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.

2. AR 635-8 (Separation Processing and Documents) prescribes the transition processing function of the military personnel system. It provides principles of support, standards of service, policies, tasks, rules, and steps governing required actions in the field to support processing personnel for separation and preparation of separation documents. In pertinent part, paragraph 5-6 (Rules for completing the DD Form 214) provides detailed instructions for data required in each block of the DD Form 214. It states for:

a. Block 4 (Grade, Rate, or Rank) to verify that active duty grade or rank and pay grade are accurate at time of separation.

b. Block 18 (Remarks), for active duty Soldiers, list any/all OCONUS deployments completed during the period of the DD Form 214 being created by entering "SERVICE IN (NAME OF COUNTRY DEPLOYED) FROM (inclusive dates)."

//NOTHING FOLLOWS//