

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 February 2024

DOCKET NUMBER: AR20230008724

APPLICANT REQUESTS: reconsideration of his previous request to be placed on the retired list at age 60 in the grade of sergeant (SGT)/E-5 vice specialist four (SP4)/E-4.

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

- Reconsideration Letter, dated 30 April 2023
- Previous Army Board for Correction of Military Records (ABCMR) Record of Proceedings, dated 14 February 2023

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20220007275 on 14 February 2023.

2. The applicant states:

- he served in the Regular Army for 9 years from 1973 to 1982; he was railroaded in Germany when he was reduced to SPC/E-5 for something untrue
- he was not one of the good old boys (drinking, smoking) which many Soldiers were at the time
- he later joined the California Army National Guard (CAARNG) and was promised he would keep his highest grade held (SGT)
- he was assigned to Headquarters and Headquarters Company, 149th Armory from 1991 to 2004; records have been moved or lost
- he stayed in the ARNG for 24 years; he only wants what he was promised: stay in the ARNG and you would retire in the highest grade held

3. Review of the applicant's service records shows:

a. The applicant was born in D\_\_\_ 1955 and turned 60 in D\_\_\_ 2015. He had prior active service from 13 November 1973 to 12 August 1976, completing 2 years and 9 months of net active service. He was promoted to SPC/E-4 on 1 August 1975.

b. He reenlisted in the Regular Army on 13 August 1976 in the grade of SPC/E-4. His DA Form 2-1 (Personnel Qualification Record – Part II), item 18 (Appointments and Reductions) reflects:

- he was promoted to SGT/E-5 on 12 June 1978
- he was reduced to SPC/E-4 on 17 May 1979

c. He was honorably discharged from active duty on 12 August 1982, due to completion of his required active service. His DD Form 214 (Certificate of Release or Discharge from Active Duty), shows he completed 6 years of active service. It also shows he held the rank/grade of SP4/E-4 at the time of separation.

d. On 24 July 1989, the applicant enlisted with the CAARNG at the rank of SPC/E-4. He served through multiple extensions in the ARNG.

e. On 28 May 2002, Office of the Adjutant General, CAARNG issued the applicant a Notification of Eligibility for Retired Pay at Age 60 (20-Year Letter).

f. On 14 January 2005, CAARNG published Orders 14-1092 transferring the applicant to the Retired Reserve, effective 1 November 2004. The orders listed his grade as SPC. His ARNG Retirement Points History Statement shows he completed 23 years and 9 months of qualifying service towards non-regular retirement.

g. On 23 March 2016, the applicant submitted DD Form 108 (Application for Retired Pay Benefits) and correlating documents requesting retired pay.

h. On 8 April 2016, the U.S. Army Human Resources Command published Orders Number C04-693113 retiring him at age 60 in the rank of SPC, effective XX D\_\_\_ 2015.

4. On 14 February 2023, the Board considered his application for correction to his military service record to reflect Highest Grade Held of sergeant (SGT)/E-5. 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 Board noted that the applicant was promoted to SGT/E-5 on 12 June 1978. However, he was also reduced to SP4 on 17 May 1979. It is unknown why he was reduced or whether his service in the grade of SGT/E-5 was satisfactory. In the absence of all the facts surrounding his service in the grade of SGT and all the facts surrounding his reduction to SPC/E-4, the Board determined there is insufficient evidence to grant him the requested relief.

BOARD DISCUSSION:

1. 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.
2. The evidence of records show the applicant did serve in the requested/higher grade; however, the grade in which he held at the time of retirement was that of the lower grade. The Board noted the applicant was reduced in grade, effective 17 May 1979 and his DA Form 2-1 or other supporting evidence does not show the applicant held the higher grade after the date of reduction.

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.

[REDACTED]

[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:

Title 10, USC. section 3964 (Higher Grade after 30 Years of Service: Warrant Officers and Enlisted Members) provides that each retired member of the Army who is retired with less than 30 years of active service is entitled, when his active service plus his service on the retired list totals 30 years, to be advanced on the retired list to the highest grade in which he served on active duty satisfactorily as determined by the Secretary of the Army. This section applies to Warrant Officers, Enlisted Soldiers of the Regular Army and Reserve Enlisted Soldiers of the Army who, at the time of retirement, are serving on active duty (or, in the case of members of the National Guard, on full-time National Guard duty).

//NOTHING FOLLOWS//