

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 February 2024

DOCKET NUMBER: AR20230008798

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), item 5a (Grade, Rate or Rank) to show sergeant (SGT) vice specialist 5 (SP5).

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, ending on 25 August 1971
- DD Form 215 (Correction to DD Form 214, Certificate of Release or Discharge from Active Duty)
- DA Form 20 (Enlisted Qualification Record), page 4

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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, during his tour of duty with the 112th Military Intelligence Group his commanding officer advised him his rank had changed from SP5 to a hard stripe SGT. He was told the paperwork had been submitted. When he came to the end of the road, he realized the rank on his DD Form 214 showed SP5. He would like his headstone to reflect the rank he left the military with.
3. A review of the applicant's official record shows the following:
  - a. On 26 August 1968, the applicant enlisted in the Regular Army in military occupational specialty 97D (Intelligence Coordinator) in the rank/grade of private (PVT)/E-1.

b. DA Form 20 shows the following:

(1) Item 33 (Appointments and Reductions) shows the applicant was promoted to the rank/grade of SP5/E-5 on 8 January 1970 by order of Special Orders Number 19 issued by Headquarters, 101st Airborne Division.

(2) Item 38 (Record of Assignments) shows the applicant was assigned to the 112th Military Intelligence Group on or about 21 March 1970 as a Military Intelligence Coordinator and on 16 June 1970 his principal duty was changed to "Coordination SGT."

c. On 25 August 1971, the applicant was honorably released from active duty by reason of expiration term of service and transferred to the U.S. Army Reserve Control Group (Reinforcement). DD Form 214, item 5a shows "SP5" and item 6 (Date of Rank) shows 8 January 1970.

4. The applicant provides DD Form 215 showing his DD Form 214 ending on 25 August 1971 was corrected to delete and add various awards associated with his service in Vietnam.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the information reflected on the applicant's DD Form 20 and the lack of other documentation showing the applicant was submitted and approved for promotion to the rank of SGT, the Board concluded there was insufficient evidence of an error or injustice warranting a correction to the applicant's rank.

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.

5/20/2024

X [REDACTED]

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CHAIRPERSON  
[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:

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 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. All available records will be used as a basis for the preparation of DD Form 214, including DA Form 20, and orders. Item 5a; enter the grade in which serving at the time of separation.
3. The evolution of the enlisted rank shows on 28 April 1971 as published in Army Regulation 600-20 (Command Policy) the rank of SP5 and specialist six (SP6) were discontinued effective 1 October 1985.

//NOTHING FOLLOWS//