

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 March 2024

DOCKET NUMBER: AR20230008934

APPLICANT REQUESTS: in effect,

- correction of her service record to reflect promotion to the rank/grade of sergeant (SGT)/E-5
- a personal appearance before the Board via video or telephonically

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

- DD Form 149 (Application for Correction of Military Record)
- Headquarters (HQs), 194th Maintenance Battalion Memorandum, Subject: Report of Promotion Board Proceedings for Promotion to Sergeant (SGT)/Staff Sergeant (SSG)
- 516th Personnel Service Battalion Memorandum, Subject: Promotion Eligibility Verification
- DA Form 4187 (Personnel Action)
- DD Form 214 (Certificate of Release or Discharge from Active Duty) for service ending 11 March 1996

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 effect, she requests the correction of her service record to reflect promotion to the rank/grade of SGT/E-5 she discovered the error on 23 May 2023. After she completed the Primary Leadership Development Course (PLDC), she was recommended for promotion to the rank of SGT and received the maximum number of points. She made the cutoff for promotion points 2-months prior to her Permanent Change of Station (PCS). On 5 May 1995, she received orders for a PCS after serving at Camp Humphreys, Korea, during the period of July 1994 through July 1995. She remained on active duty for an additional 10-months after her departure from Korea. Her Personnel Officer told her, she departed Korea before her rank could be

pinned. It was to be forwarded to her next duty station at Fort Ritchie, MD. She would like to receive the rank that she worked hard to achieve and have her record updated.

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

a. On 1 September 1989, the applicant enlisted in the Regular Army (RA) and had continuous service through reenlistments, holding military occupational specialty (MOS) 92A (Automated Supply System Specialist).

b. The applicant's DA Form 2-1 (Personnel Qualification Record) shows she:

- served in Korea during the periods of:
  - 29 January 1990 through 1 October 1991
  - 16 July 1994 through 15 July 1995
- completed PLDC at Camp Jackson, Korea in 1995
- advanced to the rank/grade of specialist (SPC)/E-4 on 1 March 1991
- departed Camp Humphreys, Korea on 15 July 1995 for Fort Ritchie, MD

c. On 10 August 1990, the U.S. Army Enlisted Records and Evaluation Center corrected the applicant's service record to reflect she enlisted in the RA in the rank/grade of private first class (PFC)/E-3 with the date of rank of 1 September 1989 by the direction of the Army Board for Corrections of Military Records.

d. On 31 August 1992, Permanent Orders Number 148-054, issued by the U.S. Army Combined Arms Support Command, Fort Lee, awarded the applicant the Army Good Conduct Medal for exemplary behavior, efficiency, and fidelity in active Federal military service during the period of 2 September 1989 through 1 September 1992.

e. On 22 June 1994, Permanent Orders Number 079-008, issued by the U.S. Army Combined Arms Support Command and Fort Lee, awarded the applicant the Army Commendation Medal for her meritorious service as a Supply Specialist during the period of 1 November 1991 through 1 July 1994.

f. The applicant's DA Form 2A (Personnel Qualification Record) dated 1 February 1995 shows promotion points and date of promotion recommendation is blank.

g. On 20 June 1995, Permanent Orders Number 27-02, issued by the 194th Maintenance Battalion, awarded the applicant the Army Achievement Medal for her meritorious service during the period of 16 July 1995 through 18 July 1995 as the Receiving Clerk at Supply Point 52.

h. On 18 January 1996, Permanent Orders Number 18-1, issued by HQs, U.S. Army Garrison Fort Ritchie, awarded the applicant the Army Good Conduct Medal for her exemplary behavior, efficiency and fidelity during the period of 1 September 1992 through 31 August 1995.

i. The applicant was honorably released from active duty on 11 March 1996, for a reduction in force and assigned to the U.S. Army Reserve (USAR) Control Group (Individual Ready Reserve (IRR)). Her DD Form 214 shows the applicant completed 6-years, 6-months, and 11-days of active service. It also shows in item 4a (Grade, Rate or Rank) SPC/E-4 with the effective date of 1 March 1991.

j. On 24 March 1996, Permanent Orders Number 78-11, issued by the U. S. Army Garrison, Fort Ritchie, MD, awarded the applicant w the Army Achievement Medal for her outstanding service as a Material Handling Specialist during the period of 15 July 1995 through 11 March 1996.

k. On 12 July 1996, the applicant voluntarily was assigned to the USAR Troop Program Unit

l. On 6 March 1997, Orders Number 065-3, issued by HQs, 310th Theater Army Area Command, the applicant was assigned to the USAR Control Group (Annual Training), effective 15 December 1996 for IRR no show.

4. The applicant provides:

a. HQs, 194th Maintenance Battalion Memorandum, Subject: Report of Promotion Board Proceedings for Promotion to SGT/SSG shows the applicant was recommended for promotion to the rank of SGT in primary MOS 92A and received a total of 484 promotion points. The board results were approved on 5 May 1995.

b. 516th Personnel Service Battalion memorandum, Subject: Promotion Eligibility Verification shows the applicant departed the installation before she could be integrated on to the recommended list with a total of 484 promotion points.

c. DA Form 4187 shows the applicant requested a change in her assignment from Fort Bragg, NC, to Aberdeen Proving Grounds, MD, Hunter Army Airfield, GA or Fort Polk, LA due to being stalked and harassed by another Soldier who was being assigned to Fort Bragg, NC, and she feared for her life and that of her children.

5. On 19 October 2023, in the processing of this case, the U.S. Army Human Resources Command (HRC) provided an advisory opinion regarding the applicant's request for the correction of her service record to reflect she was promoted to the

rank/grade of SGT/E-5. The advisory official recommended denial of the applicant's request stating:

a. Army Regulation (AR) 600-8-19 (Enlisted Promotions and Reductions) in effect at the time, states Soldiers will be eligible for promotion on the first day of the third month following the selection month (for example a Soldier selected for promotion in January would be eligible for promotion on 1 April of that year. Based on the promotion board proceedings provided by the applicant, she was recommended for promotion on 5 May 1995 with 484 points. The earliest the applicant would have been eligible for promotion would have been 1 August 1995.

b. The applicant stated she made the promotion point cutoff 2-months prior to her departure from Korea; however, according to the 516th Personnel Service Battalion, the applicant left Korea on or about 6 July 1995 prior to integration onto the promotion recommended list, but she was recommended for promotion. Though the applicant may have thought she met an earlier promotion point cutoff, she was ineligible for any promotion prior to 1 August 1995.

c. The promotion point cutoff scores for the period of August through December 1995 for MOS 92A were as follows: 1 August 1995 was 702 promotion points, 1 September 1995 was 798 promotion points, 1 October 1995 was 798 promotion points, 1 November 1995 was 798 promotion points and for 1 December 1995 was 798 promotion points. The applicant did not meet the promotion point cutoff score for any of the months in 1995 with 484 promotion points that she earned based on the promotion board proceedings. The promotion points cutoff score for 1996 were not available at the time of this advisory to determine if she would have made the cutoff score for January through March 1996, prior to her expiration term of service.

d. A review of the applicant's Army Military Human Resources Record was void of any promotion order to validate her claim she was ever issued a promotion order as she indicated in her application and she did not provide it.

6. On 30 October 2023, the Army Review Boards Agency, Case Management Division provided the applicant the advisory opinion for review and comment. On 15 November 2023, the applicant responded via e-mail, she stated when she came down on promotion orders to the rank of SGT the promotion point cutoff scores were very low about 460 due to her MOS being under strength. In October 1995, the promotion point cutoff scores jumped up for her MOS due to an overstrength.

a. While she was stationed as Camp Humphreys, Korea in 1995, she was the victim of a military sexual assault. The assailant of the assault continued to harass her and due to the ongoing investigation, he was never arrested. She was PCS to Fort Bragg, NC, when she became aware the assailant was also PCS to the same installation.

Through her chain of command, her assignment was changed to Fort Ritchie, MD, and once the reassignment was approved, they had to get her out of Korea as soon as possible.

b. She worked very hard for her promotion until the assault, what happened to her was not her fault. She desired to retire from the military, but a fellow Soldier chose to violate her and destroy her career and her life. He threatened to kill her children who were living with her mother. She had to get home to her children because of the threats. Her First Sergeant did the best she could to get the assailant apprehended, but the Military Police failed to protect her. She just wants what she earned for the time she served her country. She had sent three separate orders for her promotion to SGT and information regarding her reassignment. She also has police records.

7. On 20 November 2023, in the processing of this case, the Criminal Investigation Division provided information regarding any law enforcement reports from the Department of the Army regarding the applicant. It was determined there were no sexual assault/sexual harassment reports pertaining to the applicant.

#### BOARD DISCUSSION:

1. The applicant's request for a personal appearance hearing was carefully considered. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

2. 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 applicant served on active duty from 1 September 1989 to 11 March 1996. She was advanced to E-4 on 1 March 1991. She contends she made the promotion point cutoff 2-months prior to her departure from Korea.

a. The promotion board proceedings she provides shows she was recommended for promotion to E-5 on 5 May 1995 with 484 points. By regulation (AR 600-8-19), the earliest she could have been eligible for promotion would have been 1 August 1995. She left Korea on or about 6 July 1995 prior to integration onto the promotion recommended list, but she was recommended for promotion. Although she believes she met an earlier promotion point cutoff, she was ineligible for any promotion prior to 1 August 1995.

b. According to HRC, which announces the monthly cut-off scores for each MOS, the promotion point cutoff scores for August through December 1995 for MOS 92A were as follows: 1 August 1995 was 702 promotion points, 1 September 1995 was 798

promotion points, 1 October 1995 was 798 promotion points, 1 November 1995 was 798 promotion points and for 1 December 1995 was 798 promotion points. The Board agreed with the advisory official's finding that the applicant did not meet the promotion point cutoff score for any of the months in 1995 with 484 promotion points that she earned based on the promotion board proceedings.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Except for the corrections addressed in Administrative Note(s) below, 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 her DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending March 11, 1996, by:

a. Delete: Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized): Army Achievement Medal and Army Good Conduct Medal.

b. Add: Item 13:

- Army Achievement Medal (2nd Award)
- Army Good Conduct Medal (2nd Award)
- Korea Defense Service Medal
- Army Service Ribbon

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 March 11, 1996
- DA Form 2-1 (Personnel Qualification Record)
- U.S. Army Combined Arms Support Command and Fort Lee Permanent Orders Number 148-054
- DA Form 638 (Recommendation for Award) for Permanent Orders Number 27-02
- HQs, U.S. Army Garrison Fort Ritchie Permanent Orders Number 18-1
- DA Form 4980-18 (Army Achievement Medal Certificate) for Permanent Orders Number 78-11

3. Please correct the applicant's DD Form 214 by deleting/adding the awards shown in paragraph 1 above. Provide the applicant a copy of the corrections, and as applicable the medals and citations. 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) 600-8-19 ( Enlisted Promotions and Reductions) in effect at the time, prescribes the enlisted promotions and reductions function of the military personnel system.

a. Paragraph 3-18g, states Soldiers must obtain a minimum of 550 promotion points if competing for SSG or 450 promotion points if competing for SGT, prior to being added to the recommended list. Completed board actions will reach the PSC by the 20th day of the month to submit the promotion/progression military occupational specialty and promotion points (PRMS) transactions into SIDPERS by the last cycle of promotion board month.

b. Paragraph 3-34, states eligibility criteria for promotion of Active Army members to the rank of SGT and SSG made against monthly promotion cutoff scores. HQDA will determine the needs of the Army by grade and MOS. A Soldiers' total points are forwarded through SIDPERS (PRMS transaction) to PERSCOM for consolidation into an Army-wide listing of eligibles by MOS maintained in the EMF. A determination is then made for each MOS as to what promotion point cutoff score would promote the desired number of Soldiers to meet the needs of the Army in a specific month. Soldiers will be eligible for promotion on the first day of the third month following the selection month (for example, a Soldier selected by a promotion board in January 1991 will become eligible for promotion on 1 April 1991). Promotions are only authorized during the month for which the cutoff score is met.

c. Paragraph 3-40 (Processing promotions upon arrival at gaining organization), during in-processing, the gaining commander will determine whether the Soldier qualifies for promotion or should be added to the promotion list. If otherwise eligible, Soldiers on the recommended list who meet a promotion point cutoff score while in transit will be promoted during in-processing. Recommended list status must be verified. Verification requires a promotion packet and either of the following: a recommended list published during the month of, or before, the Soldier's departure from the losing command, reflecting the most current points. A statement issued by the losing PSC verifying the Soldier was recommended by a valid board.

3. AR 635-5 (Separation Documents) in effect at the time prescribes the separation documents which are prepared for individuals upon retirement, discharge, or



release from active military service or control of the Army. Source documents will consist of DA Form 2 and 2-1, separation orders, DA Form 3716 (Personnel Financial Record, U.S. Army), and any other available records. Item 4a; enter the active duty grade or rank and pay grade at the time of separation.

4. AR 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//