

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 19 April 2024

DOCKET NUMBER: AR20230009492

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to reflect the rank/grade of specialist four (SP4)/E-4.

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

- DD Form 149 (Application for Correction of Military Record)
- Military Pay Vouchers

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, he was promoted to the rank of SP4 before he was discharged. However, he is unable to find his promotion orders. He would like his record to reflect the correct rank.

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

a. On 15 May 1967, he was inducted into the Army of the United States.

b. DA Form 20 (Enlisted Qualification Record), Item 33 (Appointments and Reductions) reflects the following:

- Private (PVT) Permanent (P)/E-1, effective 15 May 1967
- Private (PVT)(P)/E-2, effective 15 September 1967
- Private First Class (PFC)/E-3(P), effective 20 March 1968

c. On 18 April 1969, DA Form 137 (Installation Clearance Record) reflects his out processing from Schweinfurt Sub-Post at the rank of SP4.

d. On 26 April 1969, Headquarters, U.S. Army Personnel Center issued Special Orders Number 116 transitioning him from Germany back to the United States for discharge processing at the rank of SP4.

e. DD Form 214, for the period ending 26 April 1969 reflects an honorable release from active duty and transfer to the U.S. Army Reserve (USAR) Control Group (Annual Training) with service from 15 May 1967 to 26 April 1969 for a net active service this period of 1 year, 11 months, and 12 days. Item 5a (Grade, Rate or Rank) reflects PFC(P) and item 30 (Remarks) shows date of appointment PFC (P) 20 March 1968.

f. On 18 April 1973, the Office of the Adjutant General, U.S. Army Reserve Components Personnel and Administration Center issued Letter Orders Number 04-1085041 honorably discharging him from the USAR Standby Reserve, effective 1 May 1973 at the rank of PFC.

g. His record is void of promotion orders to the permanent rank of SP4.

4. The applicant provides his Military Pay Vouchers from October 1968 and March 1969 which reflect his pay grade as SP4/E-4.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. Upon review of the applicant's military pay vouchers from October 1968 and March 1969 reflecting the applicant in the rank/grade of SPC/E-4, the Board determined the applicant should have been separated in the rank/grade of SPC/E-4. Based on this, the Board determined relief was warranted and granted relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending his DD Form 214, for the period ending 26 April 1969 to show in:

- item 5a (Grade, Rate or Rank): SPC
- item 5b (Pay Grade): E-4
- item 30 (Remarks): removal of "Item 5a Date of APT PFC E3 (P) 20 Mar 68"

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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.

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 5a; enter the grade in which serving at the time of separation, indicating whether permanent or temporary. Item 30; if grade as shown in item 5 is not permanent, enter permanent grade, date of appointment, and date of rank if different from date of appointment.

//NOTHING FOLLOWS//