

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 April 2024

DOCKET NUMBER: AR20230009716

APPLICANT REQUESTS: restoration of his rank/grade to staff sergeant (SSG)/E-6 upon retirement.

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

- DD Form 149 (Application for Correction of Military Record)
- Department of Veterans Affairs (VA) documents

FACTS:

1. The applicant states, in part, he was promoted to SSG and assigned to a Brigade Religious Affairs Noncommissioned Officer position upon his return from deployment to Iraq (2020-2021). He contends, while deployed, he sustained injuries requiring his evaluation by a Medical Evaluation Board (MEB). He notes, due to the injuries sustained, he was not able to maintain his height/weight requirements nor attend the professional development course required by his assigned position. As such, he was removed from his position, placed in excess, and subsequently demoted to the rank/grade of sergeant (SGT)/E-5.
2. On 2 June 2010, the applicant enlisted in the Army National Guard (ARNG) for 1 year to serve as a 56M (Religious Affairs Specialist).
3. On 25 March 2011, the applicant reenlisted for 7 years and 9 weeks.
4. On 1 September 2011, the applicant completed the 56M Advanced Individual Training Course.
5. On 26 March 2020, the applicant completed the Basic Leaders Course.
6. On 17 April 2020, the IAARNG issued Orders Number 333759 announcing the applicant's promotion to the rank/grade of SGT/E-5, effective 26 March 2020.

7. On 3 August 2020, the applicant was ordered to active duty in support of Operation Freedom's Sentinel. He served in Iraq from 1 November 2020 – 20 March 2021.

8. On 11 May 2021, the applicant was honorably released from active duty. DD Form 214 (Certificate of Release or Discharge from Active Duty), item 4a (Grade, Rate or Rank) shows "SGT" and item 12i (Effective Date of Pay Grade) shows "26 March 2020."

9. On 27 September 2021, the IAARNG issued Orders Number 1420509 announcing the applicant's promotion to the rank/grade of SSG/E-6, effective 26 September 2021.

10. On 7 March 2022, the IAARNG issued Orders Number 1705694 announcing the applicant's reduction in rank from SSG to SGT, effective 14 February 2022, in accordance with Army Regulation (AR) 600-8-19 (Enlisted Promotions and Reductions) due to his failure to complete required training.

11. On 28 April 2022, the applicant's commander completed a DA Form 7652 (Disability Evaluation System (DES) Commander's Performance and Functional Statement), wherein his commander notes:

a. The applicant previously held the rank/grade of SSG, but he did not meet the promotion standards/requirements to maintain his rank.

b. He was flagged under the provisions of Army Regulation 600-8-22 ( ) on two occasions:

- on 5 March 2022 for departing absent without leave (AWOL)
- on 13 February 2022 for height/weight

c. "...In February, he was flagged for failing HT/WT because (he says) he is so physically limited in what he can do. Due to his promotion to SSG being contingent upon maintaining the Army Standard, when he failed HT/WT, he was demoted back to SGT. This increased his demotivation and he went AWOL in March and April..."

12. On 21 September 2022, an Informal Physical Evaluation Board (PEB) was conducted finding the applicant physically unfit for continued military service with a recommendation that he be permanently medically retired. The applicant's rated conditions were not based on a disease or injury incurred in the line of duty in a combat environment and as a direct result of armed conflict nor did the disability result from a combat-related injury. The applicant concurred with the PEB findings and waived his rights to a formal hearing.

13. On 28 November 2022, Docket Number AR20220009867, the Army Grade Determination Review Board conducted a review of the applicant's available service records, the PEB proceedings and determined that the highest grade in which he served satisfactorily for the purpose of computation of disability retirement/separation pay is his grade on the date of separation.

14. On 7 March 2023, Headquarters, U.S. Army Physical Disability Agency issued Orders Number D 066-26 releasing the applicant from assignment and duty at the rank of SGT because of a physical disability incurred while entitled to basic pay and under conditions that permit his retirement for permanent physical disability.

15. On 12 May 2023, the IAARNG issued Orders Number 4717902 announcing the applicant's mandatory medical retirement and placement on the Retired list at the rank of SGT, effective 6 May 2023.

16. The applicant provides Department of VA documents reflective of his disability rating(s) as increased from 60-90 percent effective 23 June 2022.

#### BOARD DISCUSSION:

1. The applicant's contentions, the military record, and regulatory guidance were carefully considered. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted.

2. The applicant states he was demoted because he failed to attend a required school. However, the record shows he was demoted after being flagged for failing the Army's height and weight standards. His promotion to SSG was contingent upon his maintaining the Army's standards. When he failed the height and weight standards, he was demoted to SGT. Further, after his demotion, he went AWOL in March and April.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	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.

■

■ ■  
\_\_\_\_\_

■

■

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.

REFERENCE:

AR 600-8-19 (Enlisted Promotions and Reductions) in effect at the time, provides the enlisted promotions and reductions function of the military personnel system. It provides the objectives of the Army's Enlisted Promotions System, which includes filling authorized enlisted spaces with the best qualified Soldiers.

a. Paragraph 1-14 (Date of Rank (DOR) and Effective Date) provides that the DOR of a grade to which reduced for inefficiency or failure to complete a school course is the same as that previously held in that grade.

b. Paragraph 1-29 (Noncommissioned Officer Professional Development System Requirement for Promotion and Conditional Promotion) provides that Completion of Basic Leader Course (BLC) is a promotion pin-on requirement for Soldiers who are promoted to SGT and Advanced Leaders Course (ALC) is a requirement for promotion to SSG because of an approved battlefield promotion. For Soldiers who are not BLC or ALC graduates (as appropriate), their promotion is conditional. Soldiers must complete BLC or ALC within 270 days from redeployment (RA) or REFRAD (RC), as applicable, or the Soldier will be reduced to their former rank.

c. Paragraph 7-12 (Promotion Instruments) provides that promotions to sergeant (SGT) through sergeant major (SGM) are announced on orders.

//NOTHING FOLLOWS//