

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 10 May 2024

DOCKET NUMBER: AR20230010224

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his rank and pay grade as sergeant (SGT)/E-5.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending 29 June 1991
- DD Form 215 (Correction to DD Form 215)
- Orders 204-2, dated 31 December 1991
- Orders D-09-243839, dated 8 September 1992
- Honorable Discharge Certificate

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 enlisted in the USAR on 12 September 1983. His DA Form 2-1 (Personnel Qualification Record – Part II) shows he was promoted to the rank and grade of specialist (SPC)/E-4, effective 1 May 1985.
4. The applicant was ordered to active duty in support of Operation Desert Shield and he entered active on 14 January 1991.
5. The applicant's DD Form 214 shows he was released from active duty on 29 June 1991 in the rank and grade of SPC/E-4.
6. Orders 204-2, dated 31 December 1991, issued by the U.S. Total Army Personnel Command, promoted the applicant to the rank and grade of SGT/E-5 with an effective dated 31 December 1991.

7. Orders D-09-24839, dated 8 September 1992, issued by the U.S. Army Reserve Personnel Center, honorably discharged the applicant from the USAR with an effective date of 11 September 1992. His orders show he was discharged in the rank/grade of SGT/E-5.

8. The DD Form 214 is a summary of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. The regulation states that in items 4a (Grade, Rate, or Rank) and 4b (Pay Grade) of the DD Form 214, enter active duty grade of rank and pay grade at time of separation.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board found that relief was not 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 petition and available military records, the Board determined his record is absent evidence that shows he was promoted to sergeant (SGT)/E-5 prior to his release from active duty on 29 June 1991. The evidence of record shows the applicant was promoted to the rank/grade of SGT/E-5 on 31 December 1991, months after his release from active duty and return to the U.S. Army Reserve (USAR). The evidence also shows he was discharged from the USAR on 11 September 1992 in the rank/grade of SGT/E-5.

BOARD VOTE:

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| : | : | : | 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.

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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, U.S. Code, 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 (Separations Documents), in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for the preparation of the DD Form 214. It states the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. The regulation states that in items 4a (Grade, Rate, or Rank) and 4b (Pay Grade) of the DD Form 214, enter active duty grade of rank and pay grade at time of separation.

//NOTHING FOLLOWS//