

IN THE CASE OF: ██████████

BOARD DATE: 11 April 2024

DOCKET NUMBER: AR20230010250

APPLICANT REQUESTS: in effect, correction of his ADT (active duty for training) DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his rank and grade as specialist (SPC)/E-4 vice private (PVT)/E-1.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, 6 June 1991 to 30 September 1991

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 he is requesting a new and updated DD Form 214 because his rank/grade was never corrected.
3. Review of the applicant's service records shows:
 - a. He enlisted in the U.S. Army Reserve in the grade of PVT/E-1 for 8 years on 2 October 1990.
 - b. He entered active duty for training (ADT) from 6 June 1991 and completed training for award of military occupational specialty (MOS) 76V, Materiel Storage and Handling Specialist.
 - c. He was released from ADT on 30 September 1991 with an uncharacterized discharge, due to completion of his required active service, and transferred back to the U.S. Army Reserve. His DD Form 214 shows in:
 - Blocks 4a (Grade, Rate, or Rank) and 4b (Pay Grade) PVT/E-1
 - Block 12h (Effective Date of Pay Grade) 2 October 1990.

d. While in the U.S. Army Reserve, he was assigned to 1005th General Support Company, Uniontown, PA.

e. His DA Form 2-1 (Personnel Qualification Record) shows he was promoted in the U.S. Army Reserve to private/E-2 on 14 December 1991 and to private first class (PFC)/E-3 on 14 April 1992.

f. On 19 July 1993, he was voluntarily reassigned from his troop program unit to the U.S. Army Reserve Control Group (Annual Training). The reassignment order listed his grade as PFC.

g. He was promoted to SPC/E-4 in the U.S. Army Reserve on an unknown date.

h. On 10 January 1994, Headquarters, 99th U.S. Army Reserve Command, Oakdale, PA reassigned him in the grade of SPC/E-4 from Company D, 45th Engineer Battalion, Brownsville, PA to 351st Ordnance Company, Uniontown, PA.

i. On 2 March 1994, Headquarters, 99th U.S. Army Reserve Command, Oakdale, PA ordered him to active duty for training for 2 days plus travel time, attend Phase II of MOS 55B, effective 26 March 1994. The orders listed his grade as SPC.

j. On 7 June 1994, his immediate commander notified him of his unexcused absence. Attendance records for this unit show he was absent from the scheduled unit training assembly (UTA) or multiple training assembly (MUTA) on 5 June 1994. This was his 4th unexcused absence.

k. On 14 June 1994, Headquarters, 99th U.S. Army Reserve Command, published orders reassigning him from 351st Ordnance Company to the U.S. Army Reserve Control Group (Annual Training), effective 1 July 1994, for failure to become Duty MOS Qualified.

l. He was discharged from the USAR on 6 October 1998. His DA Form 5016 (Chronological Statement of Retirement Points) shows he completed 2 qualifying years of service towards non-regular retirement.

4. By regulation (AR 635-5), the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It states for Items 4a and 4b, enter the enlisted rank/grade at the time of the Soldier's separation from active duty and for Item 12h, enter the effective date of rank.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.
2. The DD Form 214 is intended to reflect data as it exists at the time the form is issued. Promotions that are effective after the end date of a DD Form 214 are not a basis for correcting the DD Form 214. The Board determined the rank and grade shown on the DD Form 214 are not an error.
3. The Board concurred with the correction described in Administrative Note(s) below.

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:

Other than the corrections addressed in Administrative Note(s) below, the Board determined 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 otherwise insufficient as a basis for correction of the records of the individual concerned.

8/27/2024

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CHAIRPERSON

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):

Based on current guidance in Army Regulation 635-200 and Army Regulation 635-8, amend the applicant's DD Form 214 ending on 30 September 1991 to show in Block 24 (Character of Service) Honorable vice Uncharacterized.

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 prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It established the standardized policy for the preparation of the DD Form 214. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It states for Items 4a and 4b, enter the enlisted rank/grade at the time of the Soldier's separation from active duty and for Item 12h, enter the effective date of rank.

3. Army Regulation 635-200 (Personnel Separations then, now called Active Duty Enlisted Administrative Separations), currently in effect, prescribes for the separation of enlisted personnel.

a. Paragraph 3-7a (Honorable Discharge) states an honorable discharge is a separation with honor. The honorable characterization is appropriate when the quality of the member's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate. Only the honorable characterization may be awarded a member upon completion of his or her period of enlistment or period for which called or ordered to active duty or active duty training or where required under specific reasons for separation unless an entry level status separation (uncharacterized) is warranted.

b. Paragraph 3-9 (Uncharacterized Separations) states a separation will be described as an entry level separation if processing is initiated while a member is in entry level status.

c. A separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status except when the Soldier has less than 181 days of continuous active military service, has completed initial entry

training, has been awarded a military occupational specialty, and has reported for duty at a follow-on unit of assignment.

4. Army Regulation 635-8 (Separation Processing and Documents), currently in effect, prescribes policy and procedural guidance relating to transition management. Specifically, it references instruction related to the preparation of the DD Form 214. The DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active duty service at the time of release from active duty, retirement, or discharge.

a. Paragraph 5-1f states that a DD Form 214 will be prepared for Reserve Component (RC) Soldiers completing active duty that results in the award of an MOS, even when the active duty period was less than 90 days (for example, completion of the advanced individual training component of ARNGUS Alternate Training Program or USAR Split Training Program).

b. Paragraph 5-6 states: "When a RC Soldier successfully completes initial active duty training the character of service is Honorable unless directed otherwise by the separation approval authority."

//NOTHING FOLLOWS//