

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 14 May 2024

DOCKET NUMBER: AR20230010996

APPLICANT REQUESTS: correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) ending 29 September 2004 to show she was promoted to the rank/grade of corporal (CPL)/E-4.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 2-1 (Personnel Qualification Record – Part II)
- Memorandum, Subject: Request for Enrollment from Married Army Couples Program, 3 January 2003
- Enlisted Record Brief (ERB), 6 January 2003
- ERB, 24 June 2004
- Orders Number 177-0202, 25 June 2004
- DD Form 2648 (Preseparation Counseling Checklist), 2 September 2004
- DD Form 214, ending 29 September 2004

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 was promoted to the rank of CPL prior to her release from active duty but was listed as private first class (PFC)/E-3 due to an administrative error due to chaos ensuing at Fort Hood, TX, during the war.
3. A review of the applicant's available service record reflects the following:
 - a. On 31 August 2000, she enlisted in the Regular Army for a period of three years in the rank/grade of private (PVT)/E-1 in military occupational specialty 55B (Ammunition Specialist).

b. Her records are void of a DA Form 4187 (Personnel Action) showing her promotion to the rank/grade of private (PV2)/E-2. Likewise, it is void of a DA Form 4187 showing her promotion to the rank/grade of PFC/E-3. However, it contains DA Form 1695 (Oath of Extension of Enlistment), dated 16 October 2001, which shows she extended her enlistment in the Regular Army at the rank/grade of PFC/E-3 for a period of 13 months.

c. On 25 June 2004, Headquarters III Corps and Fort Hood issued Orders Number 177-0202 reassigning her to the U.S. Army transition point for transition processing and honorable discharge at the rank/grade of PFC, effective 29 September 2004.

d. DD Form 214, ending 29 September 2004, reflects an honorable release from active duty for completion of required active service and transfer to the U.S. Army Reserve Control Group (Reinforcement). She completed 4 years and 29 days of active service. Her DD Form 214 shows in:

- Item 4a (Grade, Rate or Rank) PFC and item 4b (Pay Grade) E-3
- Item 12h (Effective Date of Pay Grade) shows 10 February 2004.

e. Her record is void of promotion orders or documentation showing she was Laterally promoted to the rank/grade of CPL/E-4 or promoted to SPC/E-4.

4. The applicant provides the following:

a. DA Form 2-1, which shows in item 18 (Appointments and Reductions):

- PVT, effective 31 August 2000
- Private (PV2)/E-2, effective 28 February 2001

b. Memorandum, Subject: Request for Enrollment from Married Army Couples Program, dated 3 January 2003 showing her rank/grade as SPC/E-4.

c. ERB, dated 6 January 2003 showing her rank as SPC with a date of rank of 1 June 2002.

d. ERB, dated 24 June 2004 showing her current rank as PFC. Section III (Service Data) shows date of rank to SPC-CPL effective 15 April 2003. However, it also shows her date of rank for PFC/E-3 as 10 February 2004

e. DD Form 2648 dated 2 September 2004 showing her rank/grade at the time of release from active duty as PFC/E-3.

BOARD DISCUSSION:

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 31 August 2000 to 29 September 2004, completing 4 years and 29 days of active service. Her record is void of documentation showing she was promoted to SPC/E-4 or laterally appointed to CPL/E-4. I

a. Some evidence she provides, shows her rank as SPC/E-4: These include a Memorandum, requesting Enrollment from Married Army Couples Program, dated 3 January 2003 showing her rank/grade as SPC/E-4; and an Enlisted Record Brief, dated 6 January 2003 shows her rank as SPC with a date of rank of 1 June 2002.

b. Additional evidence in her service records shows she held the rank of PFC/E-3 at the time of separation. These include: an Enlisted Record Brief, dated 24 June 2004 showing her current rank as PFC; Section III (Service Data) shows date of rank to SPC-CPL effective 15 April 2003; however, it also shows her date of rank for PFC/E-3 as 10 February 2004. Another document, DD Form 2648 dated 2 September 2004, shows her rank/grade at the time of release from active duty as PFC/E-3. Additionally, her separation order, dated 25 June 2004, discharged her at the rank/grade of PFC, effective 29 September 2004.

c. Based on the preponderance of the evidence, the Board determined the applicant may have been promoted to SPC/E-4 at some point however, she was reduced in rank to PFC on 10 February 2004 and she held this rank at the time of separation. Therefore, the Board determined the rank/grade listed on the applicant's DD Form 214 at the time of separation is not in error or unjust. 2.

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.

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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) 600-8-19 (Enlisted Promotions and Reductions), Chapter 2, Section II, 2-3 (Processing Enlisted Promotions to Private E-2, Private First Class, and Specialist) states:

a. The AAA – 117 for the RA, the Enlisted Promotion Application for the USAR, and DA Form 4187 or promotion orders for the ARNG are the official instruments used by CDRs to recommend Soldiers for promotion to SPC and below. When the CDR denies promotion, he or she may promote the Soldier on the next automated enlisted advancement report, provided the Soldier is otherwise qualified in accordance with paragraph 1 – 11.

b. Promotions to PV2, PFC, and SPC will be made automatically by the electronic military personnel office system (eMILPO) (RA) and the Regional Level Application Software (RLAS) (USAR) or immediately with promotion orders (ARNG) for posting to the automated personnel file and/or the master military pay file.

c. Eligibility criteria for automatic (RA and USAR) or immediate (ARNG) promotion to PV2, PFC, and SPC will be as follows:

(1) Promotion to PV2 is 6 months Time in Service (TIS).

(2) Promotion to PFC is 12 months TIS and 4 months Time in Grade (TIG).

(3) Promotion to SPC is 24 months TIS and 6 months TIG.

(4) Soldiers must meet eligibility criteria in paragraph 1 – 11. Any Soldier previously reduced (for misconduct, inefficiency, or cause) must be fully qualified (without a waiver) for promotion to the next higher rank

3. AR 635-5 (Separation Documents) in effect at the time prescribes the separation documents that must be prepared for Soldiers on retirement, discharge, release from active duty service, or control of the Active Army. 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. Item 4a (Grade, Rate or Rank) list the Service Member's rank at the time of separation.

4. AR 15-185 (ABCMR) paragraph 2-9 states, the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//