

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 May 2024

DOCKET NUMBER: AR20230011052

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 27 July 1992, to show promotion to the rank/grade of staff sergeant (SSG)/E-6 vice sergeant (SGT)/E-5.

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

- DD Form 149 (Application for Correction of Military Record)
- Recommended List for Promotion of Enlisted Personnel, 25 September 1991
- Certification of Military Service
- SF 180 (Request Pertaining to Military Records)
- General Orders Number 1

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/grade of SSG/E-6 prior to his discharge, but due to the transition, it was never updated on his record.

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

a. On 10 August 1983, he enlisted in the Regular Army and continued service through reenlistments.

b. DA Form 2-1 (Personnel Qualification Record- Part II) reflects the following:

(1) Item 6 (Military Occupational Specialties (MOS)) shows 63T (Bradley Fighting Vehicle System Mechanic).

(2) Item 18 (Appointments and Reductions) shows he was promoted to the rank/grade of SGT/E-5 on 23 June 1989 following:

c. On 23 June 1989, the 258th Personnel Service Company Wuerzburg issued Orders Number 117-82 promoting him to the rank/grade of SGT/E-5 in MOS 63T, effective on with a date of rank of 23 June 1989.

d. On 27 July 1992, Headquarters, U.S. Army Training Center and Fort Dix issued Orders Number 209-019 honorably discharging him from the Regular Army and assigning him to the U.S. Army Reserve (USAR) Control Group (Reinforcement), effective 27 July 1992.

e. DD Form 214, ending 27 July 1992 reflects an honorable release from active duty and transfer to the USAR Control Group (Reinforcement).

(1) Item 4a (Grade, Rate or Rank) shows SGT.

(2) Item 12 (Record of Service) shows service from 10 August 1983 to 27 July 1992 for a net active service this period of 8 years, 11 months, and 18 days. Item 12h (Effective Date of Pay Grade) shows 23 June 1989.

f. His record is void of promotion orders or any documentation showing he was promoted to the rank/grade of SSG/E-6.

4. The applicant provides the following:

a. Recommended List for Promotion of Enlisted Personnel, dated 25 September 1991 showing he was on the list with 769 points in MOS 63T.

b. Certification of Military Service showing he was honorably released from the Regular Army in the rank of SGT with service from 10 August 1983 to 27 July 1992.

c. SF 180 showing he was on active duty from 10 August 1983 to 27 July 1992 and he was seeking a correction of his rank to show SSG/E-6.

d. General Orders Number 1 showing award of the Meritorious Unit Commendation for 4th Battalion, 27th Field Artillery from 23 December 1990 to 2 May 1991.

5. On 26 December 2023, the U.S. Army Human Resources Command (HRC), Chief, Enlisted Promotions, Promotions Branch, provided an advisory recommending disapproval of the applicant's request, stating in effect:

a. The records available to the HRC, Junior Enlisted Promotions Branch, are not

archived for 1991 or 1992. The applicant was separated from the Regular Army on 27 July 1992. He provided a promotion recommended list, dated 25 September 1991, indicating he had 769 points as of that date. There is no indication that he ever met cutoff score for promotion in his primary MOS of 63T, nor were there any promotion orders in his Army Military Human Resources Record.

b. Additionally, in accordance with Army Regulation (AR) 600-8-19 (Enlisted Promotions and Reductions), dated 1 November 1991, paragraph 3-36a., there was a service remaining obligation of 12 months for promotion to SSG. Based on the expiration term of service, 27 July 1992, even if he had been selected for promotion, he would have been required to reenlist or extend to meet the regulatory requirement for pin-on.

6. On 4 January 2024, the applicant was provided with a copy of the advisory opinion to provide a response. As of 19 January 2024, he did not respond.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, 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 and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and U.S. Army Human Resources Command – Enlisted Promotions Branch advisory opinion, the Board concurred with the advising official finding no indication the applicant ever met a cutoff score for promotion in his primary military occupational specialty of 63T. The opine noted there was a service remaining obligation of 12 for promotion to staff sergeant which would have required the applicant to re-enlist or extend to meet the regulatory guidance for him to pin on his promoted rank.

2. The Board determined there is insufficient evidence to support the applicant contentions for correction of his DD Form 214, to show promotion to the rank/grade of staff sergeant (SSG)/E-6 vice sergeant (SGT)/E-5. Based on the advising official opine and regulatory guidance stipulating the applicant would need to re-enlist for promotion, the Board denied relief.

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:

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.

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. AR 600-8-19 (Enlisted Promotions and Reductions), in effect at the time, prescribes the enlisted promotions and reductions function of the military personnel system.
  - a. Paragraph 3-1, Field grade commanders in units authorized a commander in the

grade of lieutenant colonel or higher have promotion authority to the ranks of SGT and SSG; however, the Promotions Work Center maintains the promotion standing list and issues the orders. Board appearance, promotion point calculation, promotion list maintenance, and the final execution of the promotions occur in the field in a decentralized manner. Promotion point cutoff scores are determined and announced monthly for each MOS on the basis of the scores reported by the field and the needs of the Army, by grade and MOS.

b. Paragraph 3-36a, the service remaining obligation is 12 months for promotion to SSG.

3. AR 635-5 (Separation Documents) in effect at the time, provides the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service or control of the Army. For Block 4a (Grade, Rate or Rank) and Block 4b (Pay Grade) to enter the active duty grade and pay grade at the time of separation, respectively.

//NOTHING FOLLOWS//