

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 10 May 2024

DOCKET NUMBER: AR20230011202

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect the rank of first sergeant (1SG)/E-8 vice master sergeant (MSG)/E-8.

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)
- U.S. Army First Sergeant Course Diploma, 20 October 1988
- Orders Number 86-186, 27 March 1991

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 served as a 1SG on three separate assignments, one of which was while he was in the rank/grade of sergeant first class (SFC)/E-7. His original DD Form 214 prior to his retirement date reflected his rank of 1SG then was rescinded to show MSG. He would like his record to reflect the correct position he held at the time of retirement.

3. A review of the applicant's record shows:

a. On 10 October 1974, having had prior enlisted service in the Regular Army, he enlisted in the Regular Army and had continuous service through reenlistments.

b. DA Form 2-1, item 18 (Appointments and Reductions) shows the applicant was promoted to the rank/grade of MSG/E-8 on 4 January 1988 and appointed to the rank/grade of 1SG/E-8 on 24 February 1989 and 1 November 1989. Item 28 (Item Continuation) shows he completed the 1SG course at Fort Bliss, TX, in 1988 and item 35 (Record of Assignments) shows from on or about 28 March 1988 through on or

about 1 March 1989 he was assigned as a 1SG in B Company, 40th Military Police Battalion, Fort McClellan, AL with the additional skill identifier of "M." On or about 1 March 1989 he was assigned as a Training Developer with Headquarters and A company, 701st Military Police Battalion.

c. On 27 March 1991, the U.S. Army Chemical and Military Police Centers and Fort McClellan issued Orders Number 86-186 reassigning him to the transition point for out processing and honorable retirement at the rank/grade of 1SG, effective 31 October 1991.

d. On 7 August 1991, the U.S. Army Chemical and Military Police Centers and Fort McClellan issued Orders Number 219-223 amending Orders Number 86-186 changing his assignment and rank from "1SG, Military Police Noncommissioned Officer Academy U.S. Army Military Police School" to read "MSG, Headquarters and Company A, 701st Military Police Battalion."

e. On 31 October 1991, he was honorably retired from active duty. His DD Form 214 shows he completed 13 years, 8 months, and 24 days of active service with 6 years, 3 months, and 22 days of prior active service. It also shows in:

- item 4a (Grade, Rate, or Rank): MSG
- item 18 (Remarks): U.S. Army First Sergeant Course, 8 weeks, October 1988

4. The applicant provides the U.S. Army First Sergeant Course Diploma, dated 20 October 1988 showing he successfully fulfilled all requirements of the course.

5. By regulation, a noncommissioned officer, holding the grade of MSG at retirement and whose record shows successful service as a 1SG, will be placed on the retired list in the grade title of 1SG. The criteria for such placement on the Retired List are that the Soldier must be serving as and retiring as a MSG, must possess special qualification identifier "M," and must have served as a 1SG.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was 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 there is sufficient evidence in the record to show he possessed the special qualification identifier "M" and had two successful tours as a first sergeant (1SG). Based on this, the Board granted relief to show he retired in the rank of 1SG.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD form 214, for the period ending 31 October 1991 to show in item 4a (Grade, Rate or Rank): 1SG.

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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 635-5 (Separation 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 preparation of the DD Form 214. It stated the DD Form 214 was a synopsis of the Soldier's most recent period of continuous active duty. It provided a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. It stated for items 4a (Grade, Rate or Rank) and 4b (Pay Grade) to enter the active duty rank and pay grade held at the time of the Soldier's separation.
3. AR 635-200 (Active Duty Enlisted Administrative Separations), in effect at the time, set forth the basic authority for the separation of enlisted personnel. Paragraph 12-17 (Grade Title on Retired List of Former First Sergeants), provides that a noncommissioned officer, holding the grade of MSG at retirement and whose record shows successful service as a 1SG, will be placed on the retired list in the grade title of 1SG. The criteria for such placement on the Retired List are that the Soldier must be serving as and retiring as a MSG, must possess special qualification identifier "M," and must have served as a 1SG.

//NOTHING FOLLOWS//