

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 July 2024

DOCKET NUMBER: AR20230011258

APPLICANT REQUESTS: reconsideration of his previous request for correction of his records to show he was separated from the Army National Guard (ARNG) in the rank/grade of sergeant (SGT)/E-5 vice specialist four (SP4)/E-4.

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

- DD Form 149 (Application for Correction of Military Record)
- Congressional Correspondence

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20090017995, on 22 April 2010.

2. The applicant states he was promoted to SGT/E-5, Section Chief, on 28 January 1970, as per paperwork and photos submitted.

3. Review of the applicant's service records shows:

a. He enlisted in the New York Army National Guard (NYARNG) in the grade of private/E-1 on 13 September 1965. He was advanced to private (PV2)/E-2 in the ARNG.

b. He entered active duty for training on 3 January 1967 and completed training for award of military occupational specialty 13A, Field Artillery Basic.

c. He was honorably released from active duty for training on 2 May 1967, and transferred back to the control of his State ARNG. His DD Form 214 for this period of active duty shows he completed 4 months of active service. His rank/grade is shown as PV2/E-2 with an effective date of rank as 3 January 1967.

d. His DA Form 20 (Enlisted Qualification Record) show he was assigned to Battery B, 4th Battalion, 258th Artillery, Bronx, NY.

e. Unit Order Number 9, issued by Battery B, 2nd Battalion, 258th Artillery on 10 August 1967 promoted the applicant to private first class (PFC)/E-3 in the ARNG.

f. Unit Order Number 8, issued by Battery B, 2nd Battalion, 258th Artillery on 30 March 1969, promoted the applicant to SP4/E-4 in the ARNG.

g. On 24 March 1970, the applicant and other members assigned to his unit, were ordered active duty. The applicant's rank is shown as SP4.

h. The applicant entered active duty from 24 March to 30 March 1970 (to assist U.S. Postal Department in maintaining postal service following work stoppage/strike). He was released from active duty on 30 March 1970 and issued an abbreviated DD Form 214 in accordance with U. S. Code, Title 10, Section 673a. His rank is shown as SP4/E-4.

j. The applicant was honorably separated from the NYARNG on 12 September 1970 and transferred to the Standby Reserve. His NGB Form 22 (Report of Separation and Record of Service), which is issued by the State Army national Guard, shows his rank SP4/E-4.

k. The applicant's discharge orders from the ARNG and his Honorable Discharge Certificate from the ARNG show his grade as specialist four.

l. The applicant's DA Form 20 does show he was assigned as a section chief on 28 January 1970, while assigned to Company B, 2nd Battalion, 258th Artillery. However:

- His DA Form 20 does not reflect the grade of SGT/E-5 at any time during his service between 3 January 1967 and 12 September 1970. Item 33 (Appointments and Reductions) shows SP4 effective 30 March 1969.
- His service record does not contain orders promoting him to SGT/E-5.
- There is no evidence in his record that show she was recommended for or promoted to SGT/E-5.

m. The applicant Discharge orders, dated 1 September 1971, show the applicant was honorably discharged from the USAR Control Group (Standby Reserve) effective 12 September 1971 in the rank of specialist four.

n. The applicant's Honorable Discharge Certificate, dated 12 September 1971, shows he was discharged from the U.S. Army Reserve in the rank of SP4.

4. On 22 April 2010, the Board considered his request and denied it. The Board stated although the applicant contends his rank was sergeant, the evidence of record shows he was discharged from the ARNG in September 1970 in the rank of specialist four and he was discharged from the USAR in September 1971 in the rank of specialist four. There is no evidence of record and the applicant provided none which shows he was promoted to sergeant prior to his discharge from the ARNG or the USAR. Therefore, there is insufficient evidence on which to amend his military records to show his rank was sergeant.

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 in the ARNG from 13 September 1965 to 12 September 1970. The applicant's DA Form 20 shows he was assigned as a section chief on 28 January 1970, while assigned to Company B, 2nd Battalion, 258th Artillery. However, his DA Form 20 does not reflect promotion to the grade of SGT/E-5 at any time during his service between 3 January 1967 and 12 September 1970. Item 33 (Appointments and Reductions) shows he was promoted to SP4/E-4 effective 30 March 1969. His service record does not contain orders promoting him to SGT/E-5. The Board found no evidence in his record that shows he was recommended for or promoted to SGT/E-5. Therefore, the Board determined relief is not warranted.

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 to amend the decision of the ABCMR set forth in Docket Number AR20090017995, on 22 April 2010.



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. Army Regulation 635-5 (Separation Documents), in effect at the time, established standardized policy for preparing and distributing the DD Form 214. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service. The DD Form 214 is a summary of a Soldier's most recent period of continuous active service. The instructions for completing the DD Form 214 specified:

- items 5a and 5b show the active duty rank/grade held at the time of separation
- item 6 shows the effective date of rank (of the rank a Soldier held at the time of separation)

2. Army Regulation 600-200 (Enlisted Personnel Management System), in effect at the time, prescribed policies, responsibilities, and procedures pertaining to career management of Army enlisted personnel. Chapter 7 contained Army-wide promotion policy and procedures. It stated, in part, that the promotion of enlisted personnel, appointments, grade reductions, and grade restoration were announced in orders.

3. National Guard Regulation 600-200 (Enlisted Personnel Management) governs the NGB Form 22. This form is issued by the Adjutant General of the State Army National Guard or the National Guard Bureau (NGB). Correction to this form should be directed to the State Adjutant General or the NGB.

//NOTHING FOLLOWS//