

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 1 May 2024

DOCKET NUMBER: AR20230011804

APPLICANT REQUESTS: Correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show in:

- Block 4a (Grade, Rate, or Rank) First Sergeant (1SG) in lieu of Master Sergeant (MSG)
- Block 12f (Foreign Service) "0007 00 25" in lieu of "0000 00 00"

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

- DD Form 149 (Application for Correction of Military Record)
- Defense Meritorious Service Medal Certificate
- Joint Meritorious Unit Award Citation
- Orders 142-49 and Orders 02-38 both from Headquarters, United States Army Training Center, Fort Jackson, SC
- Meritorious Service Medal Certificate
- Certificate of Retirement
- DD Form 214
- DD Form 2-1 (Personnel Qualification Record (PQR))

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 it is vital that his DD Form 214 reflect the correct information so that it may be used to qualify for Department of Veteran Affairs (VA) medical treatment and other programs. His foreign service also needs to be reflected correctly. He served three tours of duty in Germany at the following bases: 226th "S&S" Company Ludwigsburg, Germany; 619th Ordnance Company, Germany; and the 379th Adjutant General "PSC," Germany. From June 1989 to October 1990 he served during a Classified Global Air Mission in the Middle East on defense courier duty.

3. Additionally, he states the above award certificates that he provided were received while performing duties as a defense courier stationed at Dover Air Force Base. The Defense Meritorious Service Medal and Joint Meritorious Unit Award were received for classified missions performed during operations desert shield and desert storm.

4. The applicant's request for correction of his DD Form 214 to show he completed 7 years and 4 months of foreign service will be addressed through an administrative correction without action by the Board.

5. The applicant's service record shows he enlisted in the Regular Army on 18 July 1972 and continued to serve through a series of reenlistments and was promoted to the rank/grade of MSG/E-8, on 1 July 1993.

6. The applicant's service record contains a/an:

a. DD Form 2-1 showing he was assigned to Germany from:

- 12 August 1973 to 9 July 1975, this service equals 23 months
- 27 May 1977 to 27 October 1979, this service equals 29 months
- 11 December 1984 to 10 December 1987, this service equals 36 months
- This total foreign service equals 7 years and 4 months

b. Request for a lateral appointment, dated 9 September 1993, showing he was laterally appointed from MSG to 1SG.

c. DA Form 1059 (Service School Academic Evaluation Report (AER)) for the period 12 October through 17 November 1993, showing he achieved the course standards and graduated on 17 November 1993.

d. DA Form 4187 (Personnel Action), dated 29 August 1994, showing he was laterally appointed from 1SG to MSG.

e. DA Forms 2166-7 (Noncommissioned Officer (NCO) Evaluation Report) covering the period September 1994 through May 1995 showing he was evaluated as a "Master Sergeant" with the principal duty of senior instructor/writer for the USA Soldier Support Institute "2SC" Fort Jackson, SC.

- This report covers a 7-month period and was rendered as a change of rater evaluation
- His primary military occupational specialty (PMOS) is listed as 71L5M0000 (Administrative Specialist), indicating he was awarded the special qualification identifier (SQI) "M"

- He was rated among the best, his overall performance was rated successful "1," and his overall potential was rated "1"

f. Orders 142-49, issued by Army Headquarters, United States Training Center, Fort Jackson, directed his release from active duty and placement on the Retired List effective 1 August 1995. These orders show he was placed on the Retired List in the "Retired grade of pay: 1SG."

6. The applicant was retired on 31 July 1995. His DD Form 214 shows in:

- Block 4a, "MSG"
- Block 12f, "0000 00 00"

7. The applicant provided award certificates and orders showing his rank as 1SG. His submissions were provided to the Board in their entirety.

8. The applicable regulatory guidance, as outlined in the references section below, allows, for the below, provided the Soldier holds the grade of E-8 at the time of retirement:

a. The DD Form 214 will show, and the Soldier will be placed on the retirement list i.e., retired in the pay grade 1SG/E-8 when the Soldier was successfully serving as a 1SG at the time of retirement.

b. The DD Form 214 will show MSG/E-8 and the Soldier will be placed on the retirement list i.e., retired in the pay grade 1SG/E-8 when the Soldier was successfully served as a 1SG, but was not currently serving as a 1DG at the time of retirement.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was 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 available military records the Board found no error in the applicant's records, evidence shows the applicant received orders 142-49, issued by Army Headquarters, United States Training Center, Fort Jackson, for his release from active duty and placement on the Retired List with an effective date of 1 August 1995. The Board noted the applicant's orders show he was placed on the Retired List in the "Retired grade of pay: 1SG. The Board agreed the applicant was not serving in the role of 1SG at the time of his retirement.

2. The board determined per regulatory guidance the applicant must be serving in the position of 1SG at the time of his retirement and that was not the case. The record reflects a DA Form 4187- personnel actions, dated, 29 August 1994, changing the applicant's status with a laterally appointed from 1SG to MSG. However, the Board determined there is sufficient evidence to support correction of the applicant foreign service credit. Therefore, the Board granted partial 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:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending item 12f (Foreign Service) of the applicant's DD Form 214 for the period ending 31 July 1995, by deleting the current entry 0000 00 00 and adding "0007 04 00."

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to correction of the applicant's DD Form 214 to show in: item 4a (Grade, Rate, or Rank) First Sergeant (1SG) in lieu of Master Sergeant (MSG).

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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.

ADMINISTRATIVE NOTE(S): N/A

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 635-200 (Active Duty Enlisted Administrative Separations), in effect at the time, states in paragraph 12-17 (Grade title on retired list of former first sergeants) that NCO's holding the rank of MSG at retirement, whose records show successful service as 1SG, will be placed on the retired list in the grade title, 1SG. The following are the only criteria for such placement on the retired list:

- Soldier must be serving in and retiring in the rank of MSG
- Soldier must possess SQI "M"
- Soldier must have served as a 1SG in the rank of MSG (no minimum time period is specified)

3. Army Regulation 635-5 (Separations Documents), in effect during the applicant's active-duty service, 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 the preparation of the DD Form 214. Chapter 2 contains guidance on the preparation and distribution of the DD Form 214 and states that for block 4a the active-duty grade or active-duty rank and pay grade at the time of separation will be entered.

//NOTHING FOLLOWS//