

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 May 2024

DOCKET NUMBER: AR20230011807

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to reflect he was promoted to the rank/grade of sergeant (SGT)E-5 and addition of the Aircraft Crewman Badge.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 3357-R (Board Recommendation)
- DA Form 3356-R (Board Member Appraisal Worksheets)
- Disposition Form, Subject: Recommendation for Promotion
- Recommendation for Promotion
- Headquarters (HQs), 1st Infantry Division (Mechanized) and Fort Riley Special Orders Number 341
- HQs, 1st Squadron, 4th Cavalry Memorandum, Subject: Recommendation List for Promotion for Enlisted Personnel
- DD Form 214

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 currently his DD Form 214 shows his grade as [specialist]/E-4; however, his military personnel records reflect he was promoted to [SGT]/E-5.
3. The applicant's records contain sufficient evidence to support corrections not shown on his DD Form 214. His DD Form 214 will be administratively corrected to show the additional awards, to include the Aircraft Crewman Badge.
4. A review of the applicant's service record shows:

a. The applicant enlisted in the Regular Army on 10 September 1970 in the rank/grade of Private (PVT)/E-1 in military occupational specialty 67N (OH-6/CH-58 Helicopter Repairman).

b. The applicant's DA Form 20 (Enlisted Qualification Record) shows:

- advancement to the rank of specialist four (SP4)/E-4 with a date of rank of 30 June 1971
- awarded the:
 - National Defense Service Medal
 - Vietnam Service Medal
 - Republic of Vietnam Campaign Medal with 1960 Device
 - Overseas Service Bar
 - Aircraft Crewman Badge
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar
 - served in Vietnam during the period of 11 April 1971 through 19 February 1972

c. On 30 June 1971, Unit Orders Number 77, issued by the 165th Transportation Company show the applicant was advanced to the rank/grade of SP4/E-4, effective 30 June 1971.

d. On 20 June 1972, the applicant's company commander recommended him for promotion to the rank/grade of SGT/specialist five (SP5)/E-5.

e. On 23 June 1972, two of the three board members recommended the applicant for promotion to the rank/grade of SP5/E-5 with the overall recommendation for promotion of combined board points of 558.

f. On 6 December 1972, Special Orders Number 341, issued by HQs, 1st Infantry Division (Mechanized) and Fort Riley, the applicant was awarded the Aircraft Crewman Badge, effective 28 November 1972.

g. On 5 February 1973, the applicant was selected for promotion to SP5/E-5 in the secondary zone with 512 promotion points. Enlisted members who gain promotion standing on 4 January 1973 would be eligible for promotion during the month of March when the cutoff scores were announced.

h. The applicant was honorably released from active duty on 10 September 1973 and assigned to the U.S. Army Reserve (USAR) Control Group (Reinforcement). His DD Form 214 shows he completed 3 years and 1 day of active service. It also shows in items:

- 5a (Grade, Rate or Rank): SP4
- 5b (Pay Grade): E4
- 6 (Date of Rank): 30 June 1971

i. On 24 August 1976, Orders Number 08-1157676, issued by the Reserve Components Personnel and Administration Center, show the applicant was honorably discharged from the USAR, effective 9 September 1976, in the rank/grade of SP4/E-4.

5. Orders may be issued for promotion to grade E-5 and E-6 in advance of the effective date that the Soldier will equal or exceed the announced promotion point cut off score. Received recommendation or concurrence in recommendation from unit commander. A precondition for promotion is a service obligation of 3 months for promotion to the pay grade E-5.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, 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 his record contains a memorandum indicating his promotion to sergeant (SGT)/E-5 would be effective in March 1973 and the applicant separated from service honorably in September 1973. The Board noted the regulation in effect at the time indicated a 3-month service obligation for promotion to the pay grade of E-5. Based on equity, the Board determined relief was warranted.

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 Army records of the individual concerned be corrected by amending his DD Form 214, for the period ending 10 September 1973 to show in:

- item 5a (Grade, Rate or Rank): SGT
- item 5b (Pay Grade): E-5
- item 6 (Date of Rank): 1 March 1973

█

█ █

█

█

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):

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), for the period ending 10 September 1973, by:

- a. Deleting: Item 26 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized): Vietnam Service Medal.

b. Adding: Item 26:

- Vietnam Service Medal with three bronze service stars
- Aircraft Crewman Badge
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar
- Meritorious Unit Commendation
- Republic of Vietnam Civil Actions Honor Medal First Class

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board:

- DA Form 20 (Enlisted Qualification Record)
- HQs, 1st Infantry Division (Mechanized) and Fort Riley Orders Number 341
- Department of the Army General Orders (DAGO) Number 32, dated 1973
- DAGO Number 32, dated 1973

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) 600-200 (Enlisted Personnel Management System) in effect at the time, prescribe policies, responsibilities, and procedures pertaining to career management of Army enlisted personnel. Chapter 7 states, promotion of enlisted personnel to grade E-3 through E-9, appointments, grade reductions, and grade restorations will be announced in routine orders. Orders may be issued for promotion to grade E-5 and E-6 in advance of the effective date that the Soldier will equal or exceed the announced promotion point cut off score. Received recommendation or concurrence in recommendation from unit commander. A precondition for promotion is a service obligation of 3 months for promotion to the pay grade E-5.

//NOTHING FOLLOWS//