

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 May 2024

DOCKET NUMBER: AR20230011949

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) by:

- correcting the spelling of the city listed as the place of entry into active duty; and
- listing his rank/grade as Private First Class (PFC)/E-3

APPLICANT'S SUPPORTING DOCUMENT CONSIDERED BY THE BOARD: DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States).

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's request contained a request for an upgrade of his discharge, which was redirected to the Army Discharge Review Board for action and correction of the spelling of the name of the city listed in Block 7a (Place of Entry into Active Duty) will be achieved by administrative correction; the Board will not consider either of these requests.
3. The Board will consider the applicant's request for correction of his DD Form 214 to show his rank/grade as PFC/E-3.
4. The applicant states, in effect, his entire file was deleted as if he was never in the military.
5. The applicant enlisted in the Regular Army (RA) on 15 May 2007, in pay grade E-2. He served in military occupational specialty (MOS) 92A (Automated Logistical Specialist).

6. On 21 December 2018, he was discharged. His DD Form 214 shows he completed 1 year, 4 months, and 7 days of net active service this period.

a. His DD Form 214 lists the following pertinent awards:

- National Defense Service Medal
- Global War on Terrorism Service Medal
- Army Service Ribbon

b. His DD Form 214 contains the following entries or information:

- Item 4a (Grade, Rate or Rank) PV2
- Item 4b (Pay Grade) E02
- Item 12i, Effective Date of Pay Grade) 15 May 2007
- Item 24 (Character of Service), his service was characterized as Under Honorable Conditions (General)
- Item 26 (Separation Code) "JKQ"
- Item 27 (Reentry Code), the entry "3"
- Item 28 (Narrative Reason for Separation), the entry Misconduct (Serious Offense)
- Item 29 (Dates of Lost Time During This Period) 20080419 – 20080425; 20080729 - 20181021

6. His Official Military Personnel File contains an Enlisted Record Brief dated 24 December 2018, which shows his rank/grade as PV2/E-2 effective 15 May 2007. His record is void of evidence he was promoted to the rank/grade of PFC/E-3.

7. Army Regulation 600-8-19 (Enlisted Promotions and Reductions) prescribes the policies and procedures governing the promotion and reduction of Army enlisted personnel. Chapter 2, in part, governs the decentralized promotion system for promotions to Specialist and below for RA Soldiers. Soldiers must be in a promotable status on the effective date of promotion.

#### 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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant enlisted in the Regular Army on 15 May 2007, in pay grade E-2. He was discharged from active duty on 21 December 2018 due to misconduct. Serious offense with a general discharge (with two periods of lost time, 19 to 25 April 2008 and 29 July 2008 to 21 October 2018). His ERB listed his rank as PV2, and his separation packet

also listed a similar rank. Consequently, his DD Form 214 listed his rank/grade as PV2/E-2. The Board did not find evidence, and the applicant does not provide any that shows he was recommended for or promoted to PFC/E-3 prior to his misconduct discharge.

2. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

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:

Except for the correction addressed in Administrative Note(s) below, the Board found 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.

ADMINISTRATIVE NOTE(S): correct the spelling of the name of the city listed in block 7a of his DD Form 214 for the period ending 21 December 2018, by using the spelling of the city listed in block 4 (Place of Enlistment/Reenlistment) of his DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States).

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 600-8-19 prescribes the policies and procedures governing the promotion and reduction of Army enlisted personnel. Chapter 2, in part, governs the decentralized promotion system for promotions to Specialist and below for RA Soldiers. Soldiers must be in a promotable status on the effective date of promotion.
3. Army Regulation 635-8 (Separation Processing and Documents) establishes the standardized policy for preparing and distributing the DD Form 214. Chapter 5 of the regulation contains guidance on the preparation of the DD Form 214. It states for Block 4 (Grade, Rate or Rank) to verify that active duty grade or rank and pay grade are accurate at time of separation.
4. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//