

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 June 2024

DOCKET NUMBER: AR20230012108

APPLICANT REQUESTS: in effect, reconsideration of her previous request for the correction of the promotion of the Former Service Member (SM) to the rank/grade of specialist five (SP5)/E-5.

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

- DD Form 149 (Application for Correction of Military Record)
- Statement of support from D- P-
- Statement of support from G- H-
- Statement of support from V- K-
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge)
- DD Form 256a (Honorable Discharge Certificate)
- Photograph of an Army uniform
- Certificate of Death
- Certificate of Marriage
- Application for Marriage License
- Army Board for Correction of Military Records (ABCMR) Docket Number AR20220002559

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the ABCMR in Docket Number AR20220002559 on 21 October 2022. The Board determined the evidence presented did not demonstrate the existence of probable error or injustice and the overall merits of the case were insufficient as a basis for correction of the former SM's record.

2. The applicant requests in effect, as the wife of the former SM, she is requesting the reconsideration of her previous request for the correction of the former SM's DD Form 214 to reflect his rank/grade as SP5/E-5 when he was released from active duty on

15 December 1965. At the time of the former SM's discharge, he was receiving E-5 pay and his honorable discharge certificate shows his rank as SP5. She would also like to point out that the orders for his Army Good Conduct Medal shows his rank as SP5. The former SM would not have worn a uniform with SP5 rank if he had not been promoted. She is requesting this to provide accurate information to be reflected on the former SM's government headstone. The error was discovered when the SM passed away. If her request is not approved the SM will go through eternity at the rank of specialist four (SP4)/E-4 instead of the rank earned and he was very proud of. Is it not a form of military stealing of valor by denying him his rank?

3. A review of the Former SM's service record shows:

a. On 29 December 1962, the former SM enlisted in the Regular Army in the rank/grade of private (PVT)/E-1 for 3-years of service.

b. The SM's DA Form 20 (Enlisted Qualification Record) shows in item:

- 2 (Grade); SP4/E-4
- 3 (Date of Rank): 24 December 1964
- 33 (Appointments and Reductions):
 - Private (PVT)/E-1 Permanent (P), date of rank 29 December 1962
 - Private (PV2)/E-2 P, date of rank 29 April 1963
 - Private First Class (PFC)/E-3, P, date of rank 13 August 1963
 - SP4/E-4, Temporary (T), date of rank 24 December 1963
 - SP4/E-4, P, date of rank 24 December 1963
 - SP4/E-4, P, US Army Reserve (USAR) date of rank 15 December 1965

c. On 25 February 1965, the FSM's commander recommended him for appointment to SP5 for outstanding service and he was technically competent and well qualified to be promoted to the grade of E-5 at an early date.

d. On 30 November 1965, General Orders Number 27, issued by the 2nd Battalion, 41st Artillery, the FSM was awarded the Army Good Conduct Medal (First Award) for service during the period of 29 December 1962 through 28 December 1965. The FSM's rank is listed as SP5.

e. On 15 December 1965, the FSM was honorably released from active duty and assigned to the USAR Control Group (Reinforcement). DD Form 214 shows the applicant completed 2-years, 11-months, and 17-days of active service. It also shows in items:

- 3a (Grade, Rate or Rank): SP4 E4(P)

- 3b (Date of Rank): 24 December 1963
- 32 (Remarks): Item 3b: Date of Appointment: 24 December 1964

f. The SM's record was void of promotion orders promoting him to the rank/grade of SP5/E-5.

4. The applicant provides:

a. Statement of support from D- P- who stated he was stationed in Aschaffenburg, Germany, during the period of September 1964 through December 1965. Upon his arrival the former SM was wearing SP4 rank until March 1965 when he was promoted to SP5.

b. Statement of support from G- H- who stated he served in B Battery, 2nd Battalion, 41st Field Artillery, Aschaffenburg, Germany. The former SM served with him for 18-months and he was promoted to SP5 in March 1965 as the Chief of Section.

c. Statement of support from V- K- who stated he served in the 41st Field Artillery in Germany during the period of April 1963 through April 1966. He served with the former SM who he recalls was promoted to SP5 in March 1965. The reason he remembers is during their service they were friends and he was promoted a short time before the SM.

d. DD Form 256A, dated 30 November 1968, which shows the former SM's rank as SP5.

e. Photograph of an Army uniform with SP5 rank.

f. The former SM's death certificate, which shows he died on 6 November 2021.

g. State of South Dakota Certificate of Marriage which shows the applicant and SM were married on 11 November 1966.

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 and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military record, the Board agreed there is sufficient evidence to support the applicant's contentions for correction of the promotion of the former Service Member (SM) to the rank/grade of specialist five (SP5)/E-5.

In addition, the Board noted the former SM's rank of SP5 is annotated on his Army Good Conduct Medal orders. Based on the evidence within the former SM file the Board found relief is 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 as follows: correct items 3a (Grade, Rate or Rank) to show his rank/grade as SP5/E-5 and in item 3b (Date of Rank) show 30 November 1965.

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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. Army Regulation (AR) 635-5 (Separation Documents), in effect at that time, prescribes the separation documents that will be furnished each individual who is

separated from the Army and establish standardized procedures for the preparation and distribution of these documents.

a. Paragraph 13 states all available records will be used as a basis for the preparation of DD Form 214, including DA Form 24 (Service Record), DA Form 20 (Enlisted Qualification Record), and orders.

b. Paragraph 20b states item 3a (Grade, Rate or Rank) for enlisted personnel, enter grade in which serving at time of separation, indicating whether permanent or temporary.

c. Paragraph 21b states for enlisted personnel, enter the date of rank for the grade shown in item 3a. If date of rank is different from date of appointment, enter date of appointment in item 32 (Remarks). If grade at time of separations is not permanent, the permanent grade, date of appointment, and date of rank, if different from date of appointment will be entered in item 32 (Remarks).

2. 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.

a. Paragraph 7-3 b (Pay grades E-5 and E-6) field grade commanders of any organization which is authorized a commander in the grade of lieutenant colonel or higher may promote assigned personnel to pay grades E-5 and E-6.

b. Paragraph 7-4 (Orders), promotion of enlisted personnel to grade E-3 through E-9, appointments, grade reductions, and grade restorations will be announced in routine orders.

c. Paragraph 7-15 (Eligibility and selection criteria), time in grade for promotion to the pay grade E-5 is 8-months as an E-4 and time in service is 36-months in the primary zone and 24-months in the secondary zone.

//NOTHING FOLLOWS//