

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 May 2024

DOCKET NUMBER: AR20230012136

APPLICANT REQUESTS: reconsideration of his previous request to have his date of rank (DOR) to specialist (SPC)/E-4 adjusted to his date of enlistment of 13 May 2017.

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

- DD Form 149 (Application for Correction of Military Record)
- College Transcript

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 AR20180011285 on 25 February 2020.

2. The applicant states due to his completion of his degree before he joined the Army, he was told he would hold the rank of SPC back in May of 2017, but instead he was given the rank of private first class (PFC)/E3.

3. The applicant provides new evidence; college transcript, which shows he received a Bachelor of Science degree on 15 August 2017, instead of a prior transcript, which showed "in process".

4. The applicant's service record contains the following documents:

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States), shows the applicant enlisted in the Regular Army in the rank of private/E-1 and entered active duty on 23 May 2017. He has remained in the Army through immediate reenlistments.

b. The applicant's Enlisted Record Brief, dated 21 November 2022, shows his DOR to PFC was 23 May 2017 and his DOR to SPC was 1 January 2019.

5. On 25 February 2020, the Board considered the applicant's request to correct his DOR to SPC/E4 to the date of his enlistment 13 May 2017 in AR20180011285. The Board states:

a. After reviewing the application and all supporting documents, the Board determined partial relief was warranted. Based upon the applicant enlisting in the Army on 23 May 2017 and provided transcripts from the University of South Carolina (USC) being issued on 22 May 2017 showing the last course as "IN PROCESS", the Board concluded that adjusting the applicant's rank to SPC/E4 to reflect 13 May 2017 was not warranted.

b. Based upon the regulatory guidance in Army Regulation (AR) 601-201 (Active and Reserve Components Enlisted Program), paragraph 2-18a, and the provided transcripts from USC, the Board concluded the applicant's rank to PFC/E3 should reflect 13 May 2017. [The entire previous case is available for the Board's review].

6. On 27 December 2023, the Chief, Retention and Reclassification Branch, U.S. Army Human Resources Command (AHRC), provided an advisory opinion, which states:

a. The applicant should not be granted full relief and AHRC recommended disapproval for the request for enlistment grade change to SPC/E4. The transcripts, dated 22 May 2017, provided in the previous ABCMR proceedings AR20180011285, indicated the applicant was enrolled in the final class Summer 2017 CRJU U484 (listed as: in progress work) prior to departing for active duty on 23 May 2017.

b. The transcripts provided for the current ABCMR case indicate bachelor's degree was awarded on 15 August 2017, several months after his enlistment. Therefore in accordance with AR 6501-210, paragraph 2-18a(8), the applicant did not meet the requirement for SPC/E4 prior to departing for active duty.

c. The previous ABCMR proceedings AR20180011285 granted the applicant partial relief and directed the amendment of his enlistment contract, dated 20 January 2017 to reflect an enlistment grade of PFC/E3 with a date of rank of 13 May 2017 and denied the correction of his enlistment grade to SPC/E4. In accordance with AR 601-201 paragraph 2-18a(6), the applicant was authorized to enlist as a PFC/E3 based upon the 162 credit hours completed as of the date the applicant shipped for active duty.

d. The ABCMR acting for the Secretary of the Army, is the authority for approving a Soldier's request for correcting (backdating) the effective date of rank when conflicts exist. Army Regulation 600-8-19 (Enlisted Promotions and Reductions) paragraph 1-13 provides procedures for promotions with retroactive dates.

7. On 29 December 2023, the advisory opinion was provided to the applicant to allow him the opportunity to respond. He did not respond.

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 evidence shows the applicant enlisted in the Regular Army in the rank of private/E-1 in May 2017. His DOR to PFC was 23 May 2017 and to SPC was 1 January 2019. The Board previously granted partial relief by adjusting the applicant's rank to PFC/E3 to reflect 13 May 2017, the date of enlistment. The Board reviewed and agreed with the advisory official's finding the transcripts currently provided indicate bachelor's degree was awarded on 15 August 2017, several months after his enlistment. Therefore, in accordance with AR 601-210, the applicant did not meet the requirement for SPC/E4 prior to departing for active duty.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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 AR20180011285 on 25 February 2020.2.

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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:

Army Regulation 601-210 (Active & Reserve Components Enlistment Program) prescribes eligibility criteria governing the enlistment of persons, with or without prior Service (PS), into the Regular Army (RA), the Army Reserve (AR), and the Army National Guard (ARNG):

a. Paragraph 2-18a (6) (Enlistment pay grades for personnel without prior service) states, an applicant who has successfully completed 24 or more classroom semester hours (36 or more quarter hours) at an accredited degree granting college or university list in the AIPE or NACES (foreign transcripts must be evaluated according to para 2-7f and 2-20) may enlist at any time at pay grade PV2.

b. Paragraph 2-18a (9) (Enlistment pay grades for personnel without prior service) states, an applicant who has successfully completed a degree-producing college program of 4 years duration and the college or university is listed in the AIPE and has been awarded a bachelor degree or higher (foreign degrees and transcripts must be evaluated according to para 2-7f) may enlist at any time at pay grade specialist (SPC). Advanced promotion is authorized if college or university provides a letter stating the applicant has met all requirements for a degree, but it will not be awarded until commencement ceremony.

//NOTHING FOLLOWS//