

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 June 2024

DOCKET NUMBER: AR20230012278

APPLICANT REQUESTS: restoration of his rank/grade of sergeant (SGT)/E-5 for retirement at the highest rank held.

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

- DD Form 149 (Application for Correction of Military Record)
- Orders Number 199-5, dated 18 July 1999

FACTS:

1. The applicant states, in pertinent part, he was promoted to the rank of SGT in 1999 but demoted to specialist (SPC)/E-4 due to a failed Army Physical Fitness Test (APFT) in 2010. He was officially placed on the Retired List in July 2023 in the rank of SPC and would like his record to show he was retired at his highest rank held.

2. A review of the applicant's available service record reflects the following:

a. On 22 September 1987, he enlisted in the Regular Army at the rank of private (PV1), E-1.

b. On 1 August 1991, the 5th Personnel Service Company issued Orders Number 154-12 reassigning him to the U.S. Army transition point for transition processing and honorable discharge at the rank of specialist (SPC), effective 5 August 1991.

c. He was honorably released from active duty on 5 August 1991. His DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects honorable release from active duty at the rank of SPC/E-4 for failure to meet body fat standards with transfer to the U.S. Army Reserve (USAR) Control Group (Reinforcements). He completed 3 years, 10 months, and 14 days.

c. On 18 September 1995, he reenlisted in the Army Reserve for a period of 6 years at the rank of SPC.

d. On 18 July 1999, the 1677th Support Group (Corps) issued Orders Number 199-5 promoting him to the rank of SGT.

e. On 6 January 2002, he reenlisted in the Army Reserve for a period of 6 years at the rank of SGT.

f. On 30 May 2008, Headquarters, 90th Regional Readiness Command issued Orders Number 08-151-00082 honorably discharging him from the USAR at the effective 20 June 2008 at the rank of SGT.

g. On 17 April 2009, he enlisted in the Army Reserve for a period of 6 years at the rank of SGT.

h. On 5 October 2010, Headquarters, 99th Regional Support Command issued Orders Number 10-278-00045 reducing him in rank from the rank of SGT to SPC with a retroactive effective date of 1 September 2010. The order lists the authority as Army Regulation 600-8-19 (Enlisted Promotions and Reductions), paragraph 10-16 (failure to complete training), 10-17 (unsatisfactory participation), and 10-18 (failure to attend NCO education system).

i. On 2 August 2012, the U.S. Army Human Resources Command (HRC) issued a Memorandum for Notification of Eligibility for Retired Pay at age 60 (20-Year Letter) in the rank of SPC.

j. On 13 August 2013, Headquarters, 99th Regional Support Command issued Orders Number 13-225-00055 reassigning him to the Retired Reserve at the rank of SPC, for completion of 20 or more years of qualifying service for retired pay at Age 60, effective 12 September 2013.

k. On 12 June 2023, HRC issued Orders Number C06-397669 placing him on the retired list effective 1 July 2023 at the rank of SPC.

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 of record shows the applicant was promoted to SGT/E-5 on 18 July 1999. However, the applicant was reduced to SPC/E-4 on 1 September 2010 by authority of AR 600-8-19, paragraph 10-16 (failure to complete training), 10-17 (unsatisfactory participation), and 10-18 (failure to attend NCO education system). The Board found no evidence his reduction is in error or that he was promoted back to SGT/E-5 prior to his transfer to the Retired Reserve. Since he did not serve satisfactorily in the rank/grade of

SGT/E-5, he was appropriately placed on the retired list in the rank/grade of SPC/E-5. The Board found no error or injustice.

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:

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.

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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:

Title 10, USC. section 3964 (Higher Grade after 30 Years of Service: Warrant Officers and Enlisted Members) provides that each retired member of the Army who is retired with less than 30 years of active service is entitled, when his active service plus his service on the retired list totals 30 years, to be advanced on the retired list to the highest grade in which he served on active duty satisfactorily as determined by the Secretary of the Army. This section applies to Warrant Officers, Enlisted Soldiers of the Regular Army and Reserve Enlisted Soldiers of the Army who, at the time of retirement, are

serving on active duty (or, in the case of members of the National Guard, on full-time National Guard duty).

//NOTHING FOLLOWS//