

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 June 2024

DOCKET NUMBER: AR20230013046

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect he was promoted to the sergeant (SGT)/E-5.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record).

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 in effect, he requests the correction of his DD Form 214 to reflect he was promoted to the rank/grade of SGT/E-5 as he passed the test for his promotion to SGT.
3. A review of the applicant service record shows:
 - a. On 23 January 1978, the applicant enlisted in the Regular Army (RA) in the rank/grade of private (PVT)/E-1.
 - b. On 23 July 1980, the applicant reenlisted in the RA in the rank/grade of specialist four (SP4)/E-4.
 - c. DA Form 2-1 (Personnel Qualification Record) shows in:
 - (1) Item 5 (Oversea Service): served in Korea during the period of 13 November 1979 through 5 November 1980
 - (2) Item 18 (Appointments and Reductions)

- advanced to the rank/grade of private (PV2)/E-2 effective 1 August 1978
- advanced to the rank/grade of private first class (PFC)/E-3 effective 23 January 1979
- advanced to the rank/grade of SP4/E-4 effective 7 September 1979
- void of evidence of promotion to the rank/grade of SGT/E-5

d. On 22 July 1983, the applicant was honorably released from active duty and assigned to the U.S. Army Reserve Control Group (Reinforcement). DD Form 214 shows the applicant completed 5-years and 6-months. It also shows in items:

- 4a (Grade, Rate or Rank): SP4
- 4b (Pay Grade): E4
- 12h (Effective Date of Pay Grade): 7 September 1979

f. The applicant's service record is void of any evidence of promotion to the rank/grade of SGT/E-5.

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 Board found no evidence that confirms the applicant was either recommended for promotion to SGT or was actually promoted to SGT/E-5 prior to separation. All records show he was held and was separated in the grade of SP4/E-4. Therefore, the Board found no error or injustice.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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 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.

ADMINISTRATIVE NOTE(S):

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending July 22, 1983, by adding the Korea Defense Service Medal.
2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.
 - DD Form 214 service ending July 22, 1983
 - DA Form 2-1 (Personnel Qualification Record)

3. Please correct the applicant's DD Form 214 by adding the award shown in paragraph 1 above. Provide the applicant a copy of the correction, and as applicable the medal. Please ensure that the correction is recorded in the applicant's official military personnel record.

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, prescribes policies and procedures for promotions and reductions in grade.

a. Paragraph 7-4 (Authority to Promote) states for promotion to E-5 and E-6, Field Grade Commanders of any unit authorized a commander in the grade of lieutenant colonel or higher may promote Soldiers assigned to units that are attached or assigned.

b. Paragraph 7-5 (Orders) states promotions to grades E-4 through E-9 will be announced in orders.

c. Paragraph 7-14 (Promotion against point cutoff scores) states Headquarters Department of the Army will determine the needs of the Army by grade and Military Occupational Specialty (MOS). Based on this need, the promotion point cutoff scores for primary and secondary zone promotions to grades E-5 and E-6 are announced authorizing commanders to promote the best qualified soldiers Army wide in each MOS.

d. Paragraph 7-15a (Time in grade and service), the time in grade and service below must be completed. For promotion to the grade of E-5, must have 8-months time in grade as an E4 and 36-months time in service in the primary zone and 24-months time in service in the secondary zone. The Soldier must be recommended for promotion from the unit commander. He or she must appear before a selection board and selected for promotion to the next higher grade. The individual must demonstrate qualifications for the next higher grade by successful completion of the kill qualification test before competing for promotion.

3. AR 635-5 (Separation Documents) in effect at the time prescribes the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service or control of the Army. It establishes standardized policy for preparing and distributing DD Form 214 (Certificate of Release or training

Discharge from Active Duty). Paragraph 2-8, table 2-1 (DD Form 214 Preparation Instructions) states for item 4 (a and b) to enter active duty grade of rank and pay grade at the time of separation.

//NOTHING FOLLOWS//