

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 July 2024

DOCKET NUMBER: AR20230013841

APPLICANT REQUESTS:

- Promotion to sergeant (SGT)
- Personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Note
- DD Form 214 (Certificate of Release or Discharge from Active Duty)

FACTS:

1. The applicant states, in his application and self-authored letter:

a. He is requesting correction of his rank. After completion of the Noncommissioned Officer (NCO) Academy Basic Leader Course (BLC), he should have left the military with the rank of SGT.

b. He is writing to formally request a correction regarding his military rank, a matter that deeply concerns him due to its significant impact on his career and sense of justice. Currently, his rank is listed as specialist (SPC), which is a grave error, as it should rightfully reflect SGT given his achievements, dedication, and the evidence he presents.

c. Throughout his military career, he has consistently strived for excellence and has put in the hard work necessary to ascend to the rank of SGT. The evidence supporting his request is clear and irrefutable. His completion of the NCO Academy stands as a testament to his leadership capabilities and his commitment to the values and principles of the military. He has devoted countless hours to honing his skills, developing his leadership qualities, and fulfilling the responsibilities of a SGT.

d. It is essential to acknowledge that this correction is not merely a matter of semantics; it represents a profound injustice that impacts both his career and his sense of self-worth. The rank of SGT carries with it not only increased responsibilities but also

a level of respect and recognition that is commensurate with the hard work and dedication he has consistently demonstrated. His peers, superiors, and subordinates have all recognized his leadership abilities and it is only right that his rank reflects this acknowledgement. This error, therefore, extends beyond a mere oversight; it has real-world consequences that affect not only him but also those he leads and serves alongside in the civilian world.

e. He implores the Board to thoroughly review his records and the evidence he has presented in support of his correction request. In his records (DD Form 214), the Board can see the evidence of the completion of his NCO academy, which he should have been awarded the rank of SGT, upon completion. He has always believed in the principles of fairness and justice that our military upholds, and he trusts that the appropriate authorities will rectify this situation promptly. His goal is not just personal advancement, but also the preservation of the integrity and fairness of our military institution.

f. In conclusion, he has dedicated his entire military career to reaching the rank of SGT, and he has evidence to support his claim. This incorrect designation of SPC is a grave injustice that hinders his career progression. He earnestly requests that this error be rectified, and his rightful rank of SGT be awarded to him. The Board's prompt attention to this matter will not only correct a significant injustice, but also uphold the principles of fairness and equity that our military holds dear.

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

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows he enlisted in the Regular Army, in the rank of private/E-1, and entered active duty on 18 July 2016. He remained in the Regular Army through an extension of his enlistment.

b. DA Form 1059 (Service School Academic Evaluation Report) shows he marginally completed course standards at BLC on 16 August 2019.

c. Memorandum request for antedated extension, 12 January 2021, states the applicant's request for an antedated extension was approved as an exception to policy. His extension was approved for a term of six months in order to facilitate completion of court-martial proceedings.

d. A DD Form 214 shows he was honorably released from active duty and transferred to the U.S. Army Reserve due to the completion of his required active service on 29 January 2021 in the rank/grade of SPC/E-4. He completed 4 years, 6 months, and 12 days of active duty service. He was awarded or authorized the:

- Army Commendation Medal
- Army Achievement Medal with C Device
- Meritorious Unit Commendation
- Army Good Conduct Medal
- National Defense Service Medal
- Global War on Terrorism Expeditionary Medal
- NCO Professional Development Ribbon
- Army Service Ribbon
- Overseas Service Ribbon
- Inherent Resolve Campaign Medal with Campaign Star

e. His enlisted record brief shows his date of rank for SPC was 1 February 2018.

f. Orders D-03-425990, published by U.S. Army Human Resources Command, 12 March 2024, honorably discharged him, in the rank of SPC, from the USAR effective 12 March 2024.

g. His service record does not contain a recommendation for promotion to SGT nor any documentation indicating he was on a promotion list.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted. The Board found the available evidence sufficient to consider this case fully and fairly without a personal appearance by the applicant.

2. The Board found no evidence indicating the applicant was recommended for promotion to SGT or that he was on a promotion list. The Board noted that completing BLC, while a requirement for wearing the rank of SGT, does not guarantee a Soldier will be promoted to SGT. Based on a preponderance of the evidence, the Board determined the rank the applicant held when he was released from active duty and subsequently discharged is not in error or unjust.

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.

12/26/2024

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CHAIRPERSON

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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. AR 600-8-19 (Enlisted Promotions and Reductions) prescribes the enlisted promotions and reductions function of the military personnel system. In pertinent part:

a. Paragraph 1-14f states, for Soldiers promoted to private enlisted two (PV2) through sergeant major (SGM) entitled to a promotion effective date that exceeds 6 months prior to the date of the promotion instrument, the following will be entered in the special instructions: Because the effective date of the promotion exceeds this instrument by more than 6 months, the Defense Joint Military Pay System will automatically pay up to 12 months of back pay entitlements. Your next leave and earnings statement will reflect such payment. If you are due back pay in excess of 12 months, upon receipt of your leave and earnings statement that reflects back pay, provide your servicing finance and accounting office (FAO) with a copy of the

instrument. Your servicing FAO will initiate procedures under the provisions of the DOD Financial Management Regulation 7000.14–R, Volume 7A, table 1–4, rule number 12, which will result in you receiving any additional back pay to which you are entitled.

b. Paragraph 1-34 NCO Professional Development System requirement for promotion states complete of the Distributed Leader Course 1 is an eligibility requirement for recommendation to SGT and graduation of the Basic Leader Course is a promotion pin-on requirement to SGT.

c. Paragraph 1-43 states promotion to SGT requires Soldiers to have 18 months' time in service and 4 months' time in grade.

d. Paragraph 3-2b states the promotion authority will promote Soldiers, provided otherwise qualified in accordance with paragraph 1–11 (non-promotable status), when a Soldier's name appears on the monthly Headquarters Department of the Army (HQDA) SGT and/or SSG promotion selection by-name list. For Regular Army and USAR Active Guard/Reserve: the unchallenged total point score equals or exceeds the announced cutoff score and the Soldier's name appears on the monthly SGT and/or SSG promotion selection by-name list.

2. Department of Defense Financial Management Regulation 7000.14–R, Volume 7A, table 1–4, rule number 12, provides that, when an enlisted member is promoted to a higher grade the effective date of increase in pay and allowances is the date cited in orders, or date of orders, whichever is later. Note 5 states, this restriction does not prevent payment to enlisted members for retroactive promotions or advancements that are made pursuant to Title 10 United States Code, section 1552(a)(2) (retroactive promotion or advancement without decision of the Board for Correction of Military Records).

3. 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 may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//