

IN THE CASE OF: ██████████

BOARD DATE: 1 August 2024

DOCKET NUMBER: AR20230013951

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to amend Block 4a (Grade, Rate, or Rank) from chief warrant officer two (CW2) to chief warrant officer three (CW3).

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

- DD Form 149 (Application for Correction of Military Record)
- Orders S2-11 dated 3 January 1996
- DD Form 214, for the period ending 31 January 1996

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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 his rank is incorrect on his DD Form 214 and it shows that he was a Chief Warrant Officer Two (CW2) when he retired but his rank was Chief Warrant Officer Three (CW3). He was promoted to CW3 on 8 April 1991 and is being paid correctly as a retired CW3, but his official discharge document does not reflect the rank of CW3. He was a CW3 for almost five years and want his DD Form 214 to show his accurate rank. He noticed the rank was incorrect on the worksheet and presented his orders and thought it would be corrected; he did not verify the correction and did not realize that his rank was incorrect until years later.
3. The applicant provides:
 - a. Orders S2-11 dated 3 January 1996, to be referenced in the service record.
 - b. A DD Form 214 for the service period ending 31 January 1996.

4. A review of the applicant's service record shows:

a. A DD Form 214 shows he was honorably discharged from (enlisted) active duty on 7 April 1982, with the reason for separation listed as "Ordered to active duty or ADT as a Commissioned Officer or Warrant Officer."

b. With this prior enlisted service, he was appointed as a Reserve warrant officer and executed an oath of office on 8 April 1982. He completed the Aviation Warrant Officer Course.

c. His service record contains a DA Form 71 (Oath of Office) that shows he executed an oath of office as an Aviation CW2 on 19 May 1987.

d. His DA Form 2-1 (Personnel Qualification Record) shows the following grades:

- WO1, USAR, 8 April 1982
- WO1, AUS, 8 April 1982
- CW2, USAR, 8 April 1984

c. Three DA Form 67-8 (U.S. Army Officer Evaluation Report (OER)) signed by the applicant list his rank as CW2 and his date of rank as 8 April 1984. Item J (Period Covered) of the OERs during the period wherein the applicant noted he was promoted to and held the grade/rank of CW3:

- 14 September 1989 – 13 September 1990
- 1 May 1991 – 26 May 1992
- 27 May 1992 – 26 May 1993

d. A copy of Orders S2-11, issued by the U.S. Total Army Personnel Command, (now U.S. Army Human Resources Command) on 3 January 1996, released the applicant from assignment and duty and placed him on the retired list effective 1 February 1996. The orders reflect his retirement grade as CW2 with a date of rank of 8 April 1984 with 20 years, 1 month, and 26 days of active federal service.

e. A corrected copy of orders S2-11, also issued by U.S. Total Army Personnel Command, (now U.S. Army Human Resources Command) on 3 January 1996, reflects his retired pay grade as CW3 with a date of rank as 8 April 1991 with 20 years, 1 month, and 26 days of active federal service.

f. His DD Form 214 shows he entered active duty on 8 April 1982 and retired on 31 January 1996. He completed 13 years, 9 months, and 23 days of active service for the period, and he had 6 years, 4 months, and 3 days of prior active service. He was

assigned separation code RBD and the narrative reason for separation listed as "Sufficient Service for Retirement". His DD Form 214 shows in:

- Block 4a (Grade, Rate, or Rank) CW2
- Block 4b (Pay Grade) W-2
- Block 12h (Effective Date of Pay Grade) 8 April 1984

g. The available service record is void of any documentation or orders substantiating a promotion to CW3 and also void of the DD Form 214 for the period ending 31 January 1996, provided by the applicant.

5. By regulation (AR 635-8), the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. Although the applicant's promotion orders to CW3 are not available, the applicant provides and his record contain a corrected retirement order placing him on the retired list on 31 January 1996 in the grade of CW3 with an effective date of 8 April 1991. The Board determined this evidence is sufficient to correct his DD Form 214 to how his grade as CW3.

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 the Army records of the individual concerned be corrected by amending the applicant's DD Form 214 ending on 31 January 1996 to show in:

- Block 4a, CW3 vice CW2
- Block 4b, W3 vice W2
- Block 12h, 8 April 1991 vice 8 April 1984

8/1/2024

X █

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. Title 10, U.S. Code, 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 635-8, the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. Chapter 5, paragraph 6, state the rules for completing the DD Form 214 and provides detailed instructions for data required in each block of the DD Form 214.

a. Block 4 (Grade, Rate, or Rank) is verified that active duty grade or rank and pay grade are accurate at time of separation.

b. Block 12i (Effective Date of Pay Grade) is substantiated from the most recent promotion document (or reduction instrument) in order to enter the effective date of promotion or reduction to the current pay grade. Do not confuse with date of rank and effective date of pay grade. Soldiers who have served in ranks corporal, first sergeant, or command sergeant major often have a date of rank different from the effective date of pay grade.

//NOTHING FOLLOWS//