

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 July 2024

DOCKET NUMBER: AR20230014364

APPLICANT REQUESTS: correction of her military records to show at the time of separation:

- Her rank/grade as specialist (SPC)/E-4
- Her unit of assignment as a different unit than shown

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

- DD Form 149 (Application for Correction of Military Record)
- Photocopy of her military ID Card

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 her "E" grade and unit are incorrect. She was reclassified due to injury and never returned to Headquarters and Headquarters Company (HHC), 472nd Chemical Battalion in Chicago, IL. She was discharged through email because she was caring for newborn child in the hospital. She had to find and speak to her former sergeant to get directions. [Note: the applicant indicated on her DD Form 149 that she was separated from active duty on 2 July 2021. This is incorrect. She was separated from the U.S. Army Reserve, not active duty, on 6 July 2021].

3. Review of the applicant's service records shows:

a. She enlisted in the U.S. Army Reserve on 3 July 2013 in the grade of private/E-1. Her DD Form 1966 (Record of Military Processing) shows she enlisted for training in military occupational specialty (MOS) 27D, Legal Specialist and assignment to a troop program unit, HHC, 472nd Chemical Battalion in Chicago, IL

b. She entered active duty for training on 24 June 2014. She was assigned to Fort Jackson, SC. She completed basic combat training.

c. On 4 August 2014, U.S. Army Garrison, Fort Jackson, SC published orders directing the applicant's attachment to Headquarters and Headquarters Company, 23rd Brigade, Fort Lee, VA effective 5 September 2014 to train in MOS 27D

d. There is no indication that she completed training in MOS 27D, or what transpired while she was on active duty. Her DD Form 214 (Certificate of Release or Discharge from Active Duty) shows she completed training in MOS 91B, Wheel Vehicle Mechanic, 15 weeks in 2015, at Fort Lee, VA.

e. While on active duty, another Reserve unit, 251st Inland Cargo Transfer Company, Elwood, IL published a DA Form 4187 (Personnel Action) promoting her in the U.S. Army Reserve to private first class (PFC)/E-3 on 30 April 2015.

f. There are no orders on file or provided by the applicant that show she was transferred from 472nd Chemical Battalion in Chicago, IL to 251st Inland Cargo Transfer Company, Elwood, IL

g. She was honorably released from active duty for training on 21 October 2015 after completing 1 year, 3 months, and 28 days of active service, and she was transferred back to her Reserve unit. Her DD Form 214 shows in:

- Blocks 4a (Grade, Rate or Rank) and 4b (Pag Grade), PV1 and E-1
- Block 8a (Last Duty Assignment and Major Command) Paralegal Training Detachment (Student), Fort Lee, VA
- Block 9 (Command to Which Transferred), HHC, 472nd Chemical Battalion, Chicago, IL
- Block 12i (Effective Date of Pay Grade) 2013-07-03

h. After her release from active duty, also another unit, 251st Inland Cargo Transfer Company, Elwood, IL published a DA Form 4187 promoting her in the U.S. Army Reserve to SPC/E-4 on 30 April 2016.

i. On 3 October 2019, Headquarters, 88th Readiness Division, published orders transferring her from the 251st Inland Cargo Transfer Company, Elwood, IL, to the U.S. Army Reserve Control Group (Reinforcement), effective 3 October 2019.

j. On 6 July 2021, the U.S. Army Human Resources Command published orders honorably discharging her from the U.S. Army Reserve in the rank of SPC/E-4 effective 6 July 2021, in accordance with Army Regulation (AR) 135-178 (Enlisted Administrative Separations)

k. There is no indication in the applicant's service records that she was separated from active duty on 2 July 2021,

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation showing the applicant held the rank reflected at the time of separation and was assigned to the unit noted on her DD Form 214 at the time of her separation from active duty, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's record.

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 for correction of the records of the individual concerned.

1/6/2025

X

CHAIRPERSON

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 Personnel Separations, Separation Processing and Documents, provides for the processing of the DD Form 214. 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. Chapter 5 provides instructions for the preparation of the DD Form 214. It states for:

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

b. Block 8, Last Duty Assignment and Army Command, and Station where separated. (1) Block 8a: Last Duty Assignment and Army Command. Enter last unit of assignment and Army command with the corresponding two-character assignment code, and (2) Block 8b: Station where Separated. Enter the installation name and State where the DD Form 214 is generated.

c. Block 9, Command to which Transferred. For entry determinations see table 5–1. Enter the applicable location dependent on the Soldier's status on termination of active duty. Rule 2, if the separation type is Release from ADT (includes initial ADT other than by discharge) and the Soldier's status is to return to the U.S. Army Reserve Troop Program Unit, then enter "Designation of USAR Troop Program Unit" from which entered active duty.

d. Block 12i, Effective Date of Pay Grade. From the most recent promotion document (or reduction instrument), enter the effective date of promotion or reduction to the current pay grade.

//NOTHING FOLLOWS//