

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 July 2024

DOCKET NUMBER: AR20230014604

APPLICANT REQUESTS:

- correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show in:
  - item 4a (Grade, Rate or Rank): WO1; alternatively, sergeant (SGT)
  - item 4b (Pay Grade): W01; alternatively, E-5
- a 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 Statement, 25 September 2023
- DD Form 214, for the period ending 26 July 1974 (U.S. Marine Corps (USMC))
- Letter, U.S. Army Recruiting Battalion [REDACTED], 25 October 1983
- DA Form 3739 (Application for Assignment/Deletion/Deferment for Extreme Family Problems), 25 October 1983
- DD Form 214, for the period ending 26 January 1984

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:

a. Items 4a and 4b of his DD Form 214 should be changed to warrant officer and WO-1, to reflect his completion of Warrant Officer Candidate (WOC) School–D phase. At a minimum his rank should be changed to show in item 4a and 4b SGT and E-5.

b. He earned the rank of sergeant while serving in the USMC. He held this rank during his service in [REDACTED] Army National Guard and the U.S. Army Reserve.

c. He entered the Regular Army as an E-5 and completed the WOC-D phase. During his service in the Army, he experienced hardships and harassment. He was reduced to E-3 for flight deficiency, and later promoted to E-4 at Fort Rucker, AL. He was honorably discharged as an E-4, which is annotated on his DD Form 214.

d. On 17 September 2023, after review of his records, he discovered a letter addressed to him with the rank E-5. He was surprised to be addressed as SGT because he was acknowledged as an E-4 during his service and until his release from the Army.

3. The applicant provides:

a. A DD Form 214, which shows his service in the USMC, for the period 7 July 1970 to 26 July 1974. The DD Form 214 shows his rank as E-5/SGT and his effective date of rank as 1 March 1974.

b. A letter, issued by the U.S Army Recruiting Battalion [REDACTED] 25 October 1983. The letter shows, in part SGT [applicant] and his family have undergone a traumatic series of medical emergencies and hardships, however the command cannot support his request for discharge.

c. A DA Form 3739, dated 25 October 1983, which shows the applicant's grade in item 3 (Grade) as E-5.

4. A review of the applicant's service records show:

a. He served in the USMC in the grade/rank of SGT/E-5; he was honorably released from active duty on 26 July 1974. He served in the [REDACTED] Army National Guard ([REDACTED] ARNG) from 14 January 1980 to 13 January 1981. He was honorably discharged from the [REDACTED] ARNG in the grade/pay grade of SGT/E-5.

b. He enlisted in the Regular Army on 20 August 1981.

c. His DA Form 2-1 (Personnel Qualification Record – Part II) shows in:

(1) Item 17 (Civilian Education and Military Schools) –

- U.S. Army Aviation Center (AAVNC), Warrant Officer Candidate Military Development Course, 6 weeks, 1981, completed
- U.S. AAVNC, Warrant Officer Rotary Wing Aviator Candidate (100B (Utility/Observer Helicopter Pilot)), 34 weeks, 1982, not completed

(2) Item 18 (Appointments and Reductions) – he was promoted to specialist five/E-5, effective 1 November 1981; and reduced to specialist four/E-4, effective 12 July 1982.

(3) Item 4 (Assignment Considerations) – [Applicant] enlisted for the U.S. Army Warrant Officer Flight Training (WOFT) enlistment option, Army Regulation 601-210, Table H -12, in the specialty 09W. [Applicant] was eliminated from the WOFT program due to flight deficiency on 12 July 1982.

(4) Applicant attended U.S. Army Medical Equipment and Optical School, for the military occupational specialty (MOS) Biomedical Equipment Specialist, duration 15 weeks, and completed the course in 1983. He was later awarded MOS 35G (Biomedical Equipment Specialist).

d. On 26 January 1984, he was honorably discharged from active duty. His DD Form 214 shows he completed 2 years, 5 months, and 7 days of active service. His DD Form 214 also shows in:

- item 4a (Grade, Rate or Rank) – Specialist 4
- item 4b (Pay Grade) – E-4
- item 11 (Primary Specialty Number, Title and years and months in Specialty) – 35G (Biomedical Equipment Specialist)
- item 14 (Military Education) – Biomedical Equipment Specialist, Basic Course, 15 weeks, January 1983

5. His records are void of orders showing he was promoted to the rank of SGT/E-5 after his demotion to SPC/E-4 on 12 July 1982.

### 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 showing the applicant met the requirements for appointment as a warrant officer and therefore found no basis for correcting his DD Form 214 to show he was a warrant officer. Further, the regulation governing preparation of the DD Form 214 states the form will show the rank/grade a Soldier held at the time of his or her separation. In this case the evidence confirms the applicant held the rank/grade of specialist four/E-4 when he was discharged from the Regular Army.

Based on a preponderance of the evidence, the Board determined the rank/grade shown on the applicant's DD Form 214 for the period ending 26 January 1984 are not in error.

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.

12/26/2024

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 635-5 (Separation Documents), prescribed the separation documents that would be furnished each individual who was separated from the Army including Active-Duty Training personnel and established standardized procedures for the preparation and distribution of these documents. All available records would be used as a basis for the preparation of the DD Form 214, including DA Form 20, DA Form 66, and orders.

a. Item 4a and b, enter active-duty grade or rank and pay grade at time of separation.

b. Item 11, enter the primary MOS or AOC and all additional MOS/AOC served for a period of one year or more, during soldier's continuous active military service. For each MOS/AOC list the title with the years and months served.

c. Item 14. List formal in service (full time attendance) training courses successfully completed during the period of service covered by title, length in weeks, and month and year completed.

3. Army Regulation 15-185 (Army Board for Correction of Military Records), paragraph 2-11, shows applicant's 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//