

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 July 2024

DOCKET NUMBER: AR20230014693

APPLICANT REQUESTS: correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show her rank as private first class (PFC)/E-3.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active duty)
- Servicemembers' Group Life Insurance (SGLI) Election Certificate
- Orders 201-20 Reassignment Orders
- Orders D-09-333388 Discharge from the U.S. Army Reserve (USAR)

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 DD Form 214 states her last rank was private/E-2 (PV2); however, her unit discharged her as a PFC/E-3. She is requesting this be corrected as soon as possible because she completed multiple forms with her rank on them, while applying for employment. She has documentation of her release from duty showing her rank as PFC/E-3. She did not notice the error until recently, when she was in the process of getting benefits from the benefits department. She assumed it all matched up.
3. The applicant provides the following documents for the Board's consideration:
 - a. SGLI Election Certificate, 20 April 1998, which shows her rank as PFC/E-3.
 - b. Orders 201-20, published by United States Army, 89th Regional Support Command, 20 July 1998, which show she was transferred to USAR Control Group (Reinforcement) in the rank of PFC/E-3.

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

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows she enlisted in the USAR on 28 August 1995.

b. DA Form 2-1 (Personnel Qualification Record), 24 October 1995, shows in item:

- 18 (Appointments and Reductions) she was promoted to PFC/E-3 on 24 February 1997
- Item 35 (Record of Assignments) she was ordered to Initial Active Duty Training on 24 October 1995

c. DD Form 214 shows she was honorably released from active duty as a member of the USAR, in the rank of PV2/E-2 on 2 August 1996 for completion of period of active duty training.

d. DA Form 4187 (Personnel Action), 24 February 1997, promoted her to PFC/E-3 effective 24 February 1997.

e. Orders D-09-333388, published by USAR Command, 2 September 2003, honorably discharged her from the USAR, in the rank of PFC/E-3.

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 evidence shows the applicant enlisted in the USAR on 28 August 1995 in the rank of private/E-1. She was promoted to PVT/E-2 in the USAR on 28 August 1995. She entered active duty for training (ADT) on 24 October 1995, in the rank of PV2/E-2 and she was released from ADT on 2 August 1996, also in the rank of PV2/E-2. There is no evidence she was promoted to PFC/E-3 during her active duty service. There is evidence she was promoted to PFC/E-3 in the USAR on 24 February 1997, some 7 months after her release from active duty. The DD Form 214 reflects the active duty grade/rank held by the Soldier at the time of separation (from active duty). The applicant held the rank/grade of PV2/E-2 at the time of her release from active duty. Therefore, the Board determined the rank/grade listed on her DD Form 214 is not in error or unjust.

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.

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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 (Separation Processing and Documents) prescribes the policy and procedural guidance relating to transition management. It consolidates the policies, principles of support, and standards of service regarding processing personnel for transition. Chapter 5 (Preparing Separation Documents) provides that 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 retirement, or discharge. A DD Form 214 will be prepared for USAR personnel completing 90 days or more days of continuous active duty or USAR personnel separated for cause or physical disability regardless of the length of time served on active duty. A DD Form 214 will not be prepared for personnel separated/discharged who have been furnished a prior edition of the DD Form 214 unless that form needs reissuance for some other reason.

//NOTHING FOLLOWS//