

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 September 2024

DOCKET NUMBER: AR20230014974

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 16 August 1967 to show his rank/grade as specialist four/E-4.

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- Standard Form 89 (Report of Medical History), 20 January 1967
- DD Form 214
- DD Form 689 (Individual Sick Slip), 14 June 1968
- Standard Form 89, 19 June 1968
- Letter to County Veteran Service Office, 16 November 2023
- Timeline, undated

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 DD Form 214 shows his rank/grade as private/E-2 upon discharge. He submits documents that support his rank/grade at discharge should be specialist four/E-4.
3. His Standard Form 89 for the purpose of enlistment, 20 January 1967, shows his rank/grade as private first class/E-3.
4. His DD Form 4 (Enlistment Record – Armed Forces of the United States) shows he enlisted in the U.S. Army Reserve in the rank/grade of private first class/E-3 on 20 January 1967 for a period of 6 years.
5. His records indicate he was ordered to active duty for training effective 14 April 1967.

6. Headquarters, U.S. Army Quartermaster Center and Fort Lee, Special Orders Number 172, 11 August 1967, as amended by Special Orders Number 173, 14 August 1967, released him from active duty for training effective 16 August 1967. His rank/grade is shown as private/E-2.

7. He was released from active duty for training to the control of the U.S. Army Reserve effective 16 August 1967. He completed 4 months and 3 days of net active service during this period and 2 months and 24 days of prior inactive service (20 January 1967 through 13 April 1967). His DD Form 214 shows in:

- item 5a (Grade, Rate, or Rank) – Private (Permanent)
- item 5b (Pay Grade) – E-2
- item 6 (Date of Rank) – 14 April 1967

8. His available military records are void of orders discharging him from the U.S. Army Reserve and transferring him to the New Mexico Army National Guard.

9. His available military records are void of orders or other instruments promoting him to the rank/grade of specialist four/E-4.

10. His DD Form 689, 14 June 1968, shows he sought medical treatment for his ears. His service number is shown as Army National Guard and his rank/grade is shown as specialist four/E-4.

11. His Standard Form 89, 19 June 1968, shows he reported he was in good health other than his hearing loss. His service number and agency are shown as Army National Guard and his rank/grade is shown as specialist four/E-4.

12. His available military records are void of a DA Form 20 (Enlisted Qualification Record) or DA Form 2-1 (Personnel Qualification Record – Part II).

13. His letter to the County Veteran Service Office, 16 November 2023, states he had 2 years of Reserve Officers' Training Corps training at New Mexico State University and he was told by the Reserve unit that he would be assigned the rank/grade of private/E-2 when he joined the U.S. Army Reserve on 20 January 1967 because of this. However, he found a Report of Medical History that shows his rank/grade as private first class/E-3 on 20 January 1967. He found another Report of Medical History dated 19 June 1968 that shows his rank/grade as specialist four/E-4. He received an honorable discharge from the New Mexico Army National Guard for service-connected hearing loss on 1 July 1968.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, his military records, and regulatory guidance were carefully considered. Although there is evidence that the applicant may have held the rank of PFC/E3 during his military service, the rank currently reflected on the applicant's DD Form 214 is consistent with the rank reflected on his separation order. Without evidence such as promotion orders showing the date the rank was promoted to PFC/E3 a change to the rank reflected on the applicant's DD Form 214 cannot be executed, because the date of rank is unknown, which is reflected in block 6 of the DD214. Additionally, the Board found no available evidence showing the applicant was promoted to SPC/E4 during his period of military service. For that reason, the Board recommended denying the applicant's requested relief.

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 635-5 (Separation Documents), in effect at the time, prescribed the separation documents that would be furnished to each individual who was separated from the Army, including active duty for training personnel, and established standardized procedures for preparation and distribution of the DD Form 214. A DD Form 214 would be issued at the time of separation to members of the Reserve Components who were called or ordered to active duty or active duty for training for a period of 90 days or more. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge.

a. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214, including the DA Form 20 (Enlisted Qualification Record) and orders.

b. The detailed instructions for item 5a stated to enter the grade in which serving at the time of separation, indicating whether permanent or temporary.

c. The detailed instructions for item 5b stated to enter the pay grade (e.g., "E-8" or "E-4").

d. The detailed instructions for item 6 stated to enter the date of rank for the grade shown in item 5a.

e. There was no provision for recording promotions achieved after the period covered by the DD Form 214.

//NOTHING FOLLOWS//