

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 September 2024

DOCKET NUMBER: AR20230015256

APPLICANT REQUESTS:

- Show he enlisted in the Army in the rank of specialist (SPC)/E-4 with all back pay and allowances
- Personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum for Record Request Enlistment Date of Rank Correction
- DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States)
- College Transcript
- Enlisted Record Brief (ERB)
- U.S. Army Recruiting Command Message 20-071
- Army Regulation (AR) 601-210 (Regular Army and Reserve Components Enlistment Program)

FACTS:

1. The applicant states:

a. He needs a correction of his rank at his time of enlistment from private (PVT)/E-1 to SPC/E-4 as of 10 May 2021 with all back pay and allowances. His recruiter was deceitful and coercive, at the time of his enlistment.

b. On 22 February 2021, he enlisted into the active duty component of the Army. While at the Military Entrance Processing Station (MEPS) he learned that his desired military occupational specialty (MOS) had a ship date of 10 May 2021 and came with a \$30,000 bonus.

c. He notified his recruiter, Staff Sergeant (SSG) [REDACTED] that there might be a conflict in that he would be graduating college with a bachelor's degree on 8 May 2021 and then be expected to ship off to basic combat training on 10 May 2021. SSG [REDACTED]

assured him that his bachelor's degree entitled him the rank and grade of SPC/E-4, further assuring him he had nothing to worry about.

d. He became reluctant, and at that point, SSG [REDACTED] asserted that if he did not accept the MOS reservation that day at MEPS, he would never be able to be that MOS, he would lose eligibility for any enlistment bonus, and he possibly would face repercussions for wasting government time. SSG [REDACTED] assured him that he had the abilities and authorities to process his college transcripts while the applicant was at basic training making it so he would receive his proper rank, grade, and back pay at some point in the future; however, the applicant had to accept the MOS reservation that day at MEPS in order for the recruiter to do that for him.

e. Upon receiving these terms from SSG [REDACTED] one whom the applicant trusted, and not yet having a strong understanding of how the Army/Department of Defense operated, he decided to follow the advice of his recruiter. After avoiding his efforts to contact the recruiter for approximately four months, SSG [REDACTED] confirmed with him via a phone call that he received both the electronic and paper copies of the applicant's official transcripts but he would not be able to process them.

2. The applicant provides his ERB, 9 March 2022, which shows he was in training on 10 May 2021 at Fort Sill, Oklahoma. His entry rank was PVT/E-1 and he was promoted to private/E-2 on 23 July 2021.

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

a. DD Form 4 shows he enlisted in the Regular Army on 22 February 2021 and entered active duty on 10 May 2021 in the grade of PVT/E-1.

b. The University [REDACTED] official transcript, 25 May 2021, shows he received a Bachelor of Science degree on 8 May 2021.

c. Orders 0006949356.00, 9 January 2024, shows he was promoted to the rank of SPC effective 10 January 2024.

4. On 12 June 2024, the Chief, Retention and Reclassification Branch, U.S. Army Human Resources Command (AHRC), provided an advisory opinion, which states:

a. The applicant should be granted relief and awarded the grade of SPC/E-4 as of the effective date of his enlistment, 10 May 2021 due to completion of a bachelor's degree prior to enlistment. However, AHRC did not have the authority to correct his records without approval of the Board.

b. AR 601-210, paragraph 2-18a(14) states if the Soldier lacked evidence at the time of enlistment, he or she may submit supporting documents to the unit personnel within six months of enlistment. Additionally, the effective date and date of rank will be the effective date of the promotion by the unit commander for Soldiers who lack documentation, at the time of enlistment. No retroactive adjustment is authorized, and each applicant will be advised that failure to produce documents before enlistments or after time frames will forfeit entitlement.

5. On 21 June 2024, the advisory opinion was provided to the applicant to allow him the opportunity to respond. On 3 July 2024, the applicant responded stating he has accurately and honestly conveyed the facts in his case. He will reiterate the issue would have been resolved much sooner had his past three chains of command not passed the buck. In 2021, when he first tried to resolve this, he was denied guidance and action by each of his chains of command. They refused to process his requests and instead asserted that human resource issues such as this would be the responsibility of his next gaining unit. This trend continued until his current S-1 chose to offer him guidance and support. It is his belief that this issue would have and could have been solved sooner had he been a permanent duty Soldier and not an initial entry training Soldier. It was his experience that chains of command would defer Soldiers' requests and instruct them to figure it out at their first unit so as not to create more paperwork for themselves. His leaders did not serve him to the standard that they were appointed over him to uphold. The applicant provides the following additional documents for the Board's consideration:

a. Diploma from the University [REDACTED] showing he received a Bachelor of Science degree on 8 May 2021.

b. Personnel Action, 14 Mar 2022, shows he was advanced to the rank of SPC/E-4 with a date of rank of 13 December 2021. The additional instructions states "Soldier meets degree requirements for advancement to SPC at time of enlistment. Soldier effective date and date of rank for Soldier who lacked documentation at time of enlistment will be effective date of the promotion by the unit commander. The promotion will be for the grade the Soldier is qualified for at the time of enlistment."




BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.
2. The Board concurred with the conclusion of the advisory official that the evidence confirms the applicant should have entered active duty in the rank/grade of SPC/E-4 based on his college education. The Board determined the applicant's record should be

corrected to show he entered service in the rank/grade of SPC/E-4, and he should receive any additional pay he is due as a result of this correction.

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 showing he held the rank/grade of SPC/E-4 effective 10 May 2021, the date of his enlistment. He should receive any additional pay and allowances he is due as a result of this correction.

3/6/2025

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. AR 601-210 (Regular Army and Reserve Components Enlistment Program) prescribes eligibility criteria governing the enlistment of persons, with or without prior service, into the Regular Army, the U.S. Army Reserve, and the Army National Guard. It states in:

a. Paragraph 2-18 (Enlistment pay grades for personnel without prior service) a(8) an applicant who has successfully completed a degree-producing college program of 4-year duration, and has been awarded a bachelor degree or higher may enlist at any time at pay grade E-4.

b. Paragraph 2-18(14) an applicant who lacks documentation required for advanced promotion under this paragraph at time of enlistment may submit supporting documents to the unit personnel officer at the initial entry training installation or at the first unit of assignment within 6 months of enlistment. Documents must be original, certified, or evaluated as required.

2. U.S. Army Recruiting Command Message 20-071, 30 July 2020 subject Operation Change to AR 601-210 states an applicant who has successfully completed a degree-producing program of a 4-year duration, the college or university and has been awarded a bachelor degree or higher may enlist at any time at pay grade E-4.

//NOTHING FOLLOWS//