

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 September 2024

DOCKET NUMBER: AR20240000652

APPLICANT REQUESTS:

- correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect her highest rank/grade held of sergeant (SGT)/E-5
- a video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 785 (Record of Disenrollment From Officer Candidate – Type Training)
- 3rd Battalion 199th Infantry Brigade, 11th Infantry Regiment Memorandum, Subject: Dismissal from Officer Candidate School (OCS)
- DD Form 214 service ending 10 March 2015
- Excerpt from Army Regulation (AR) 600-8-19 (Enlisted Promotions and Reductions)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 in accordance with Army Regulation 600-8-19 (Enlisted Promotions and Demotions), paragraphs 3-5 and 7-15, she was promoted to the rank/grade of SGT/E-5 while attending OCS. She was unable to complete OCS and was discharged for a medical disability with severance pay. Prior to her discharge she was placed on bedrest for 2 months in her room alone. On 10 March 2015, she questioned the inaccuracy of her rank/grade as she was assigned to an OCS class. The transition point personnel told her that it would take at least 2 months to get it corrected which would have put her back on bedrest in her room alone for another extended period of time. She could not take the solitary confinement any longer, so she just signed the DD Form 214. She requests the correction of her DD Form 214 to reflect SGT/E-5 her highest grade held.

3. A review of the applicant's service record shows:

a. On 18 March 2014, the applicant enlisted in the Regular Army.

b. DD Form 1966 (Record of Military Processing – Armed Forces of the United States) shows in item:

- 17g (Military Occupational Specialty (MOS)) 09S (Commissioned Officer Candidate)
- 18g (Pay Grade): E-4
- 22 (Education) University of South Carolina at Beaufort – January 2004 through May 2007
- 32a (Specific Option/Program Enlisted For, Military Skill or Assignment to a Geographical Area Guarantees): Program 9A U.S. Army Training Enlistment Program MOS 09S

c. DA Form 3286 (Statement for Enlistment U.S. Army Enlistment Program shows in item:

- 1a - the applicant enlisted for program 9A U.S. Army Training Enlistment Program
- 1b – MOS 09S (Commissioned Officer Candidate)
- 2d – the applicant enlisted for OCS

d. On 22 April 2014, Orders Number 112-240, issued by Headquarters (HQs), U.S. Army Garrison, Fort Jackson, the applicant was assigned to HQs and HQs Company, 3rd Battalion, 11th Infantry Regiment, effective 30 May 2014, in the rank of SPC.

e. On 21 August 2014, the applicant was disenrolled from OCS class 006-14 for medical circumstances in the rank of SPC with the recommendation to be considered in the future for determining acceptability if physical defects were corrected or if such defects were not disqualifying for other programs.

f. On 4 September 2014, Orders Number 247-15, issued by HQs, U.S. Army Maneuver Center of Excellence, the applicant was assigned to B Company, 187th Medical Battalion, Fort Sam Houston, TX, effective 10 October 2014, in the rank of SPC to attend 68S (Preventive Medicine Specialist) training.

g. On 10 March 2015, the applicant was honorably discharged from active duty for non-combat related disability with severance pay. She completed 11 months and 23 days of active service. Her DD Form 214 shows in:

- item 4a (Grade, Rate or Rank) SPC

- item 4b (Pay Grade) E04
- item 11 (Primary Specialty) "none"
- item 12i (Effective Date of Pay Grade) 18 March 2014
- item 14 (Military Education) "none"

4. The applicant provides:

a. 3rd Battalion, 199th Infantry Brigade, 11th Infantry Regiment Memorandum, Subject: Dismissal from OCS, which states the applicant in the rank/grade of SPC/E-4 assigned to C Company, 3rd Battalion, 11th Infantry Regiment, was dismissed from OCS for medical circumstances.

b. AR 600-8-19 excerpt, the applicant highlighted paragraph 3-5 (Special promotion Categories) subparagraph d (Officer Candidate School) which states Soldiers in the rank of SPC and below entering OCS will be promoted to the rank of SGT with the effective date equal to the course start date. However, the applicant did not highlight, in instances where a Soldier fails to complete the training, the Soldier will be administratively reduced to their former rank held. Paragraph 7-15 (Promotion to enter training programs) does not apply as chapter 7 of this regulation applies to Army National Guard Soldiers.

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy, and regulation. Upon review of the applicant's petition and available military records, the Board determined the evidence of record shows the applicant enlisted as a specialist (SPC)/E-4 on 18 March 2014 with the enlistment option for commission officer candidate school (OCS). On 21 August 2014, she was disenrolled from the OCS program in the rank/grade of SPC/E-4 for medical circumstances and subsequently discharged for disability on 10 March 2015, having completed 11 months and 23 days of service. The Board noted there is no record of the applicant having been promoted to or serving as a sergeant (SGT)/E-5 and per regulatory guidance was only serving in the rank/grade while enrolled as a member of the OCS program. Based on this, the Board concluded relief was not warranted.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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, USC, 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. AR 15-185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.
3. AR 600-8-19 (Enlisted Promotions and Reductions) in effect at the time, prescribes the enlisted promotions and reductions function of the military personnel system. Paragraph 3-6 (Special Promotion Categories), d. Officer Candidate School (OCS) and Warrant Officer Candidate (WOC) Course. Soldiers in grade of SPC and below entering OCS or WOC Course will be promoted, by the losing organization, to SGT with an effective date and DOR equal to the course reporting date (consistent with the provisions as outlined in AR 350-51). Soldiers promoted under this paragraph will be informed that if they are on a current recommended list to SGT they will be removed from such list. Failure to complete training will result in reduction to former grade held and if previously removed from a recommended list to SGT, reinstatement to that list with former points attained.
4. AR 350-51 (United States Army Officer Candidate School), prescribes the policies, eligibility requirements, and administrative procedures for submitting and processing applications for OCS and for appointing OCS graduates as commissioned officers in the USAR for Active Army service. Paragraph 5-2 (Grade Authorization), upon enrollment in class, candidates will be promoted to pay grade E-5, in accordance with AR 600-8-19, if they then hold a lower grade. Candidates with a higher grade will retain that grade. Students promoted on the basis of OCS attendance who fail to successfully complete the course will be reduced to the grade held before entering OCS or to a grade deemed suitable.
5. AR 635-8 (Separation Processing and Documents) in effect at the time prescribes the transition processing function of the military personnel system. 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. Source documents will

consist of the Servicemember's record brief, separation order, and any other document authorized for filing in the Army Military Human Resources Record.

- Item 4; verify that active duty grade or rank and pay grade are accurate at time of separation
- Item 11; enter the titles of all MOSs awarded or held for at least one year during the current period of service; for an enlisted Soldier, specify the first five characters of the MOS code
- Item 12i; from the most recent promotion document (or reduction instrument), enter the effective date of promotion or reduction to the current pay grade
- 14; List all formal, in-service (full time attendance) training courses successfully completed during the period of service covered by the DD Form 214 of at least 1 week or 40 hours duration

//NOTHING FOLLOWS//