

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 August 2024

DOCKET NUMBER: AR20240000797

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show he retired in the rank of first sergeant (1SG) vice master sergeant (MSG).

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214

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 he is requesting his retirement rank be changed from MSG to 1SG as that was his highest retaining rank, while serving in the U.S. Army. He requests his military retirement document reflect the rank of 1SG. This should be corrected to reflect his true and highest rank attained, while in the military. He served as 1SG from 1998 to 2001 at Fort Gordon, Georgia. Per military regulation, he would like his record to reflect his retirement at the highest rank served.
3. A review of the applicant's service records show:
 - a. DD Form 4 (Enlistment/Reenlistment Document - Armed Forces of the United States) shows he enlisted in the Regular Army on 5 December 1979.
 - b. DA Form 1059 (Service School Academic Evaluation Report), 18 August 1998, shows he achieved course standards in the U.S. Army First Sergeant Course from 14 July 1998 through 18 August 1998.
 - c. Order Number 13-8, published by U.S. Total Army Personnel Command,

13 January 1999, shows he was promoted to MSG effective 1 February 1999 with a date of rank of 1 February 1999.

d. DA Forms 2166-7 (Noncommissioned Officer Evaluation Report) shows in September 1999, he was serving as a 1SG and in January 2001, he was serving as a MSG.

e. His DD Form 214, for the period ending 30 June 2005, shows in item 4a (Grade, Rate or Rank) MSG. On the DD Form 214 continuation page it shows he completed the 1SG Course.

f. His records are void of orders showing his assignment as and lateral appointment to 1SG as well as orders showing he was placed in a MSG position.

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 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 evidence of record, through authenticated Noncommissioned Officer Evaluation Reports, shows the applicant served as a first sergeant (1SG) between February 1999 and September 1999 and was rated as such. Subsequently, the applicant was rated from June 2000 to January 2001 as a master sergeant (MSG). He was honorably retired from active duty on 30 June 2005 in the proper rank of MSG. The Board does not dispute that the applicant served as a 1SG; however, the DD Form 214 provides a brief record of service at the time of discharge, release from active duty, or retirement and at the time of his retirement, he was a MSG. Therefore, the Board denied 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 635-200 (Personnel Separations Enlisted Personnel) states Noncommissioned Officers holding the grade of MSG at retirement, whose records show successful service as a 1SG, will be placed on the retired list in the grade title, 1SG. The following are the only criteria for such placement on the retired list:

- must be serving in and retiring in the grade of MSG
- must possess special qualification identifier "M" (M-identifier in Military Occupational Specialty awarded by attending the 1SG Course at an accredited NCO Academy)
- must have served as 1SG in grade of MSG
- No minimum time period is specified

3. Army Regulation 635-8 (Separation Processing and Documents) prescribes the transition processing function of the military personnel system. It states, the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clearcut record of all current active, prior active, and prior inactive duty service at the time of REFRAD, retirement, or discharge. Block 4 (Grade, Rate, or Rank) state to verify that active duty grade or rank and pay grade are accurate at time of separation.

//NOTHING FOLLOWS//