

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 September 2024

DOCKET NUMBER: AR20240001214

APPLICANT REQUESTS: correction of item 4a (Grade, Rate or Rank) on his DD Form 214 (Certificate of Release or Discharge from Active Duty) covering the period ending 30 June 1985 to reflect first sergeant (1SG) in lieu of master sergeant (MSG).

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) covering the period ending 14 June 1971
- DD Form 214 (Report of Separation from Active Duty) covering the period ending 13 August 1975
- DD Form 214, covering the period ending 19 July 1978
- two DD Forms 214, Member Copy 1 and Member Copy 4, both covering the period ending 30 June 1985

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 the rank as shown on his DD Form 214 is incorrect. It shows MSG but should show 1SG. E-8 Enlisted Band Leaders were authorized to wear the 1SG diamond effective 1 June 1985; therefore, his rank at retirement should reflect 1SG.
3. The applicant's multiple provided DD Forms 214 show:
 - a. He enlisted in the Regular Army on 7 June 1965, and served in Vietnam from 3 June 1969 through 1 December 1970. His Military Occupational Specialty (MOS) was 02F4 (Tuba Player) and his rank/grade was reflected as staff sergeant (SSG)/E-6. He was honorably discharged after 6 years of net active service on 14 June 1971, for the purpose of immediate reenlistment.

b. He reenlisted in the Regular Army on 15 June 1971, and after 4 years, 1 month and 29 days of net active service this period, was honorably discharged for the purpose of immediate reenlistment on 13 August 1975. His primary MOS was 02F4 and his rank/grade was reflected as SSG/E-6.

c. He reenlisted in the Regular Arm on 14 August 1975, and after 2 years, 11 months, and 6 days of net active service this period, was honorably discharged for the purpose of immediate reenlistment on 19 July 1978. His MOS was 02P4 (Brass Group Leader) and his rank/grade was reflected as sergeant first class (SFC)/E-7. With a date of rank of 25 January 1977.

d. He reenlisted in the Regular Army for the last time on 20 July 1978.

4. The applicant's service records contain partially legible orders, dated 1 June 1983, which show the applicant was promoted to the rank of MSG with a date of rank of 10 June 1983.

5. Headquarters, U.S. Army Training Center and Fort Jackson Order 197-021, dated 7 October 1983, awarded the applicant the primary MOS 02Z5 (Enlisted Bandleader) effective 4 October 1983.

6. The applicant's DA Form 2-1 (Personnel Qualification Record – Part II) likewise shows the applicant's rank of MSG with a date of rank of 10 June 1983, and that he held the principal duty of Enlisted Bandleader from 5 October 1983 forward.

7. A DA Form 2339 (Application for Voluntary Retirement), dated 2 July 1984, shows the applicant completed the form requesting voluntary retirement with a desired retirement date of 1 July 1985. His current grade, pay grade, and MOS show MSG, E-8 effective 10 June 1983 and an MOS of 02Z50. The highest grade served on active duty shows MSG/E-8.

8. Headquarters, U.S. Army Training Center and Fort Jackson Order 219-033, dated 9 November 1984, relieved the applicant from active duty effective 30 June 1985, and placed him on the retired list, transferring him to the U.S. Army Reserve Control Group (Retired) effective 1 July 1985. His retired rank/grade is reflected as MSG/E-8.

9. A DA Form 3713 (Data for Retired Pay) dated 14 November 1984, shows the applicant's active duty grade as MSG/E8, his retired grade as MSG/E-8, and his highest grade attained as MSG/E-8.

10. Headquarters, U.S. Army Training Center and Fort Jackson Permanent Orders 059-004, dated 29 April 1985, awarded the applicant the Meritorious Service Medal for

meritorious service during the period from 6 October 1975 through 30 June 1985, for his retirement. His ranks is shown as MSG.

11. A DA form 4240 (Data for Payment of Retired Army Personnel) shows the applicant's date of retirement as 1 July 1985 and his retired pay grade and tile as MSG/E-8.

12. The applicant's final DD Form 214 shows he was honorably retired due to length of service on 30 June 1985. His MOS is shown as 02Z5, item 4a shows his rank as MSG, and item 4b (Pay Grade) shows E8. He was credited with 6 years, 11 months, and 11 days of net active service this period and 16 years, 1 month, and 5 days of total prior active service.

13. There is no evidence of record the applicant was ever awarded or held the rank of 1SG.

14. In the adjudication of this case, an advisory opinion was obtained from the U.S. Army Human Resources Command (AHRC) on 8 August 2024, which shows AHRC was unable to make a correction to the applicant's records from MSG to 1SG. The retirement orders state he is to be retired as a MSG. There are no supporting documents to prove the rank of 1SG was ever awarded.

15. On 13 August 2024, the applicant was provided a copy of the AHRC advisory opinion and given an opportunity to submit comments, but he did not respond.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.

2. The Board concurred with the conclusion of the advisory official that there are no records showing the applicant was given the rank of 1SG. Based on a preponderance of the evidence, the Board determined the applicant's retirement rank of MSG 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 635-5 (Separation Documents), in effect at the time, prescribes policies and procedures regarding separation documents, including the standardized preparation of the DD Form 214 (Certificate of Release or Discharge from Active Duty). The specific guidance for preparation of the numbered items on the DD Form 214 shows

//NOTHING FOLLOWS//