

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 November 2024

DOCKET NUMBER: AR20240001473

APPLICANT REQUESTS: correction of DA Form 1059 (Service School Academic Evaluation Report) to reflect "Achieved Course Standards" rather than "Failed to Achieve Course Standards."

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 1059, 16 April 2021
- Memorandum - Subject: Counseling and Notification of Referred Report for the Transportation Deployment/Distribution, Senior Leaders Course (SLC), Phase A, 10 April 2021
- Memorandum - Subject: Counseling and Denial of Enrollment from the Transportation Deployment/Distribution SLC, 10 April 2021

FACTS:

1. The applicant states she completed SLC per the Memorandum of Instruction. However, due to a family emergency she missed over the allotted amount of course time, she was disenrolled from the course. She contests she completed the course academically, but this is not reflected on her DA Form 1059. The only requirement that she was not present for was a group project that was ungraded; she completed the last test and over three fourths of the course without receiving any disciplinary actions. The current DA Form 1059 is preventing her from progressing to the next rank as she is now required to complete the entire course again. She further notes that the schoolhouse acted in error by noting that she was released due to an alcohol related issue.

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

a. On 5 March 2009, the applicant enlisted in the Army National Guard (ARNG) with duty as an 88M (Motor Transport Operator).

b. On 15 March 2021, the ORARNG issued Orders Number 1060046 announcing the applicant's promotion to the rank/grade of sergeant first class (SFC)/E-7, effective 11 March 2021.

c. On 2 April 2021, the applicant completed Phase 1 of SLC.

d. On 10 April 2021, the applicant was advised that she would be dismissed from SLC due to her voluntary request to return home to be with her hospitalized mother. The applicant was counselled and acknowledged the actions required in order for her to return to the course. She was further advised that this dismissal may have a negative impact on her future military service. The applicant was afforded 7 days to appeal this action.

e. On 16 April 2021, the applicant was disenrolled from Phase 2 of SLC due to her "failure to achieve course standards". DA Form 1059, Part III (Overall Academic Achievement) reflects that the applicant failed to complete all course requirements in accordance with Program of Instruction.

f. On 4 October 2022, the applicant received her Notification of Eligibility for Retired Pay for Non-Regular Service (20-year letter).

3. The applicant provides a Memorandum - Subject: Counseling and Notification of Referred Report for the Transportation Deployment/Distribution, SLC, Phase A, dated 10 April 2021, reflective of the applicant being counselled on her acknowledged receipt of a referred Army Evaluation Report due to her violation of Policy Memo Number 4 (In-processing Brief) – consumption of alcohol while in student status. The applicant was afforded the opportunity to provide comments. The applicant acknowledged receipt of this document.

BOARD DISCUSSION:

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 applicants petition and military records, the Board determined that the applicant did not demonstrate evidence that establishes clearly and convincingly the presumption of regularity will not be applied to the DA Form 1059 (Service School Academic Evaluation Report), dated 16 April 2021 filed in his Army Military Human Resource Record (AMHRR) or that action is warranted to correct a material error, inaccuracy, or injustice in amending the DA Form 1059 to reflect "Achieved Course Standards" vice "Failed to Achieve Course Standards". The Board noted the applicant's assertion that the schoolhouse made an error; however, the Board concluded the evaluation report shows he failed to achieve course standards and did not complete all course requirements. 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.

■

■

■

■

■

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. Army Regulation (AR) 623-3 (Evaluation Reporting System), Section III (Evaluation Appeals) provides that an evaluation report submitted and accepted for inclusion in the rated Soldier's Army Military Human Resources Record is presumed to be administratively correct, have been prepared by the proper rating officials and represent the considered opinion and objective judgement of the rating officials at the time of preparation. Appeals based solely on statements from rating officials claiming administrative oversight or typographical error of a DA Form 1059 will be returned without action unless accompanied by additional substantiating evidence. The rated Soldier or other interested parties who know the circumstances of a rating may appeal any evaluation report they believe is incorrect, inaccurate, or in violation of the intent of this regulation. An appeal will be supported by substantiated evidence (see para 4–11). An appeal that alleges an evaluation report is incorrect, inaccurate, or unjust without usable supporting evidence will not be considered. Removal of an evaluation report for administrative reasons will be allowed only when circumstances preclude the correction of errors, and then only when retention of the evaluation report would clearly result in an injustice to the Soldier.

2. AR 15-185 (Army Board for Correction of Military Records (ABCMR)) paragraph 2-9 states the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//