

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 November 2024

DOCKET NUMBER: AR20240001582

APPLICANT REQUESTS: correction of rank/grade upon initial enlistment to reflect specialist (SPC)/E-4 rather than private first class (PFC)/E-3.

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

- DD Form 149 (Application for Correction of Military Record)
- Official Transcript
- DD Form 1966 (Record of Military Processing – Armed Forces of the U.S.), 17 October 2013

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 pertinent part that when he initially enlisted in the Regular Army, he should have done so at the rank of SPC rather than PFC because he had already obtained a 4-year college degree, 3 weeks prior to departing for Basic Combat Training (BCT). He contests that, in accordance with Army Regulation (AR) 601-210 (Regular Army and Reserve Components Enlistment Program) individuals with a 4-year college degree will be enlisted at the rank of SPC. He attempted to resolve this issue after receiving his official transcripts in BCT and Advanced Individual Training but was unsuccessful. He notes that because of this, he lost out on approximately 23 months of pay at the rank of SPC.

3. A review of the applicant's available service records reflects the following:

a. On 17 October 2013, the applicant enlisted in the Army Reserve under the Delayed Entry Program at the rank of PFC, with duty as a 68W (Medical Specialist). DD Form 1966, section III (Other Personal Data) shows the applicant attended Missouri University of Science and Technology from August 2010 through May 2014 but was not a graduate. Section VI (Remarks) provides that in accordance with AR 601-210,

Chapter 2-18, since the applicant had completed 48 or more semester hours, he would enlist at the pay grade of E-3/PFC.

b. On 9 June 2014, the applicant enlisted in the Regular Army at the rank of PFC.

c. On 3 May 2016, the applicant was advanced to SPC.

d. After progressing through the Enlisted ranks, on 1 August 2019, the applicant was promoted to the rank/grade of staff sergeant (SSG)/E-6.

e. On 19 September 2024, Headquarters III Corps and Fort Cavazos issued Orders Number 263-0192, reassigning the applicant to the Transition Point pending transition processing.

f. On 26 September 2024, the applicant was honorably discharged from the Regular Army as an Enlisted Soldier and subsequently appointed a commission as an Officer at the rank/grade of first lieutenant (1LT)/O-2.

4. The applicant provides an Official Transcript from the Missouri University of Science and Technology reflective of the applicant's bachelor's degree being conferred on 17 May 2014.

5. On 30 September 2024, the U.S. Army Human Resources Command, Chief, Enlisted Promotions, Promotions Branch, provided an advisory opinion recommending denial of the applicant's request noting that the applicant enlisted at the rank of PFC. In accordance with AR 601-210, Paragraph 2-18 (Enlistment Pay Grades for Personnel without Prior Service) an applicant who successfully completed 48 or more classroom semester hours (72 or more quarter hours) (without a 4-year degree) at an accredited degree granting college or university, may enlist at any time at pay grade E-3. Applicants with an associate degree will be enlisted at pay grade E-3 without regard to the number of semester or quarter hours completed. Applicant's that have 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. Advanced promotion is authorized if the college or university provides a letter stating the applicant has met all requirements for a degree, but it will not be awarded until commencement ceremony. When an applicant lacks documentation required for advanced promotion under this paragraph at time of enlistment, he 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. The applicant did not submit the required documents within the prescribed time.

6. On 3 October 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 21 November 2024, the applicant has not responded.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the facts outlined and the recommendation given by the HRC advisory official and the lack of any rebuttal of those facts and recommendations given by the applicant, the Board concluded the applicant was not eligible for the rank of SPC/E4 at the time of his enlistment because he was not a college graduate at the time.

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. 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 601-210 (Regular Army and Reserve Components Enlistment Program), provides eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment.

a. Paragraph 2-18 (Enlistment Pay Grades for Personnel without Prior Service) an applicant who successfully completed 48 or more classroom semester hours (72 or more quarter hours) (without a 4-year degree) at an accredited degree granting college or university, may enlist at any time at pay grade E-3.

b. Applicants with an associate degree will be enlisted at pay grade E-3 without regard to the number of semester or quarter hours completed. Applicant's that have successfully completed a degree-producing college program of 4-year duration and has been awarded a bachelor's degree or higher, may enlist at any time at pay grade E-4. Advanced promotion is authorized if the college or university provides a letter stating the applicant has met all requirements for a degree, but it will not be awarded until commencement ceremony.

c. When an applicant lacks documentation required for advanced promotion under this paragraph at time of enlistment, he 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.

3. Army Regulation (AR) 15-185 (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//