

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 September 2024

DOCKET NUMBER: AR20240002808

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to reflect his promotion to the rank/grade sergeant (SGT)/E-5.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 service ending 17 August 1973

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 while he was serving in the 212th Military Police (MP) Company (CO) (Sentry Dog), Vietnam, he was promoted to the rank of SGT in approximately January 1972. He was provided the promotion orders. When he was assigned to a different unit, he was told by his new command to provide his promotion orders which he did; however, it was his only copy, and it was not given back to him. When he was released from active duty to was told at the transition center that if he did not have a copy of his orders, he would be released in the rank/grade of specialist four (SP4)/E-4.

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

- a. On 20 November 1970, the applicant enlisted in the Regular Army.
- b. DA Form 20 (Enlisted Qualification Record) shows:
 - Block 2 (Grade): SP4
 - Block 3 (Date of Rank): 12 September 1971
 - Block 31 (Foreign Service): served in the Republic of Vietnam during the period of 26 April 1971 through 23 February 1972

- 33 (Appointments and Reductions): SP4/E-4 with a date of rank of 12 September 1971 by authority of 212th MP CO Special Orders Number 52, 1971
- c. On 12 September 1971, Special Orders Number 52, issued by the 212th MP CO (Sentry Dog), the applicant was promoted to the rank/grade of SP4/E-4, effective 12 September 1971.
- d. On 17 August 1973, Special Orders Number 229, issued by Headquarters, U.S. Army Personnel Center, the applicant was relieved from active duty, effective 17 August 1973. The applicant's orders show his rank as SP4.
- e. On 17 August 1973, the applicant was honorably released from active duty and assigned to a U.S. Army Reserve (USAR) Troop Program Unit. DD form 214 shows the applicant completed 2-years, 8-months, and 28-days of active service. It also shows in:
- Block 5a (Grade, Rate or Rank): SP4
 - Block 5b (Pay Grade): E-4
 - Block 6 (Date of Rank): 12 September 1971
- f. The applicant's service is void of evidence of his discharge from the USAR.
- g. On 10 September 1973, the applicant enlisted in the Army National Guard of the United States (ARNGUS) in the rank/grade of SP4/E-4.
- h. On 9 September 1974, the applicant was discharged from the ARNGUS and assigned to the USAR Control Group. National Guard Bureau Form 22 (Report of Separation and Record of Service) shows in block 29 (Highest Grade Held): SP4/E-4.
- i. On 16 September 1974, Special Orders Number AR-181, issued by the Military Department State of Oregon, the applicant was discharged from the ARNG and assigned to the USAR Control Group (Ready Reserve) in the rank of SP4, effective 9 September 1974.
- j. On 20 October 1976, Orders Number 10-1189036, issued by the Office of the Adjutant General Reserve Components Personnel and Administration Center, the applicant was discharged from the USAR Control Group (Standby Reserve) in the rank of SP4, effective 19 November 1976.

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. Army Regulation (AR) 600-200 (Enlisted Personnel Management System) in effect at the time, To prescribe policies, responsibilities, and procedures pertaining to career management of Army enlisted personnel.

a. Paragraph 7-4 (Orders), promotion of enlisted personnel to grade E-3 through E-9, appointments, grade reductions, and grade restorations will be announced in routine orders. All routine orders will be published in the format.

b. Section III (Promotion to Pay Grade E-5 through E-6) states eligibility criteria of enlisted personnel of the Active Army to pay grades E-5 and E-6 made against promotion point cutoff scores. This paragraph will be cited as authority for promotion to pay grades E-5 and E-6. Headquarters Department of the Army will announce each month by separate designation the promotion point cutoff scores for the primary and secondary zone lists for promotion to pay grades E-5 and E-6 after being recommended and placed on the promotion list. Individuals who are promoted on orders published prior to the effective date established by the order will become entitled to the higher pay and allowances on the effective date specified in the order concerned.

3. AR 635-5 (Separation Documents) in effect at the time prescribes the separation documents that will be furnished each individual who is separated from the Army. All available records will be used as a basis for the preparation of the DD Form 214, including DA Form 20, and orders. Item 5a/b; enter grade in which serving at the time of separation and the pay grade.

//NOTHING FOLLOWS//