

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 November 2024

DOCKET NUMBER: AR20240003734

APPLICANT REQUESTS: promotion to the rank/grade of sergeant (SGT)/E-5 from private first class (PFC)/E-3.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Report of Separation from the Armed Forces of the United States), for period beginning 11 May 1954 through 10 February 1956

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 he confronted his company commander after promotions were handed out and was told that he would never be promoted while working in the S-2 and that position was for sergeants. If it were not for the officer in charge of the S-2 who demanded he be promoted, he would have been discharged as a private, instead of a PFC/E-3.
3. The applicant's available service record shows:
 - a. He was inducted into the Army of the United States on 11 May 1954.
 - b. Special Orders Number 34, issued by Headquarters, 6023d SU Personnel Center on 10 February 1956, relieved the applicant from active duty and transferred him to the United States Army Reserve (USAR) Control Group (Reinforcement), effective 10 February 1956.
 - c. The applicant was honorably released from active duty and transferred to the USAR on 10 February 1956. He completed 1 year and 9 months of active service. His

DD Form 214 shows his rank as Private First Class (Temporary) with a date of rank of 23 August 1955 at the time of separation.

4. The applicant's records are void of, and the applicant did not provide, documents reflecting promotion to any pay grade beyond E-3.

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 and standard review based on law, policy and regulation. Upon review of the applicant's request and available military records, the Board determined his record is absent evidence that shows he was recommended or promoted to SGT/E-5 prior to his discharge. Based on regulatory guidance, promotion to SGT/E-5 are announced with official orders. The Board agreed the request for relief has no merit as the available evidence does not support the applicant was ever promoted to the rank of sergeant. 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.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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. Army Regulation 624-200 (Promotions, Demotions and Reductions – Appointment and Reduction of Enlisted Personnel) states that temporary appointment of enlisted personnel to all grades above E-3 and permanent appointment to E-3 will be announced in orders issued by the appointing authority (company commander). The orders will state whether the appointment is permanent or temporary. Orders will not be issued for appointments to permanent grades above E-3. To be eligible for appointment to E-5, an individual must have 8 months time in grade as an E-4.

//NOTHING FOLLOWS//