

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 November 2024

DOCKET NUMBER: AR20240003868

APPLICANT REQUESTS: reconsideration of her previous request for correction of her record to show that she was retired in the rank/grade of first sergeant (1SG)/E-8 rather than master sergeant (MSG)/E-8.

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

- A letter, dated 20 January 2024, wherein she requests reconsideration of her case
- An Enlisted Record Brief (ERB), dated 17 January 2012

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20230002546 on 17 August 2023.
2. The applicant states the ERB presented and considered in her first case was dated 21 March 2011 did not reflect the position she occupied as a 1SG position because it lacked the Special Qualification Identifier (SQI) "M" as part of the Duty Military Occupational Specialty (DMOS). She now presents an ERB rendered on 17 January 2012 which shows the position was coded as a 1SG position with SQI "M" as part of the DMOS.
3. The applicant enlisted in the Regular Army on 3 October 1983 and served through a series of reenlistments in a variety of assignments in the Regular Army, the North Carolina Army National Guard, and the U.S. Army Reserve.
4. On 19 August 1997, she once again enlisted in the Regular Army for a period of 3 years in the rank/grade of specialist/E-4. She served through a series of reenlistments in a variety of assignments with increasing responsibilities and ascended through the enlisted ranks. She was promoted to MSG/E-8 on 1 August 2009.
5. The applicant's ERB, dated 21 March 2011, shows her duty position title as "First Sergeant" and the DMOS has SQI "M." She was assigned to this position on 28 May

2010. This document does not show the applicant attended an Army recognized 1SG course or that she was awarded SQI as part of her Primary MOS (PMOS).

6. The applicant's DA Forms 2166-8 (Noncommissioned Evaluation Report (NCOER)) rendered for the periods from 1 September 2009 through 31 August 2010 and from 1 September 2010 through 31 March 2011 reflect her rank as 1SG, and her principal duty title as "First Sergeant", but do not show SQI "M" as part of her PMOS or the DMOS for her position.

7. Orders 090-0123 issued by Headquarters III Corps and Fort Hood, Fort Hood, TX on 31 March 2011, show the applicant held the rank of 1SG at the time and was to be retired in the rank of 1SG effective 31 December 2011. These orders were subsequently rescinded by orders 125-0111 issued by the same authority on 5 May 2011.

8. Orders 125-0114 issued by Headquarters III Corps and Fort Hood, Fort Hood, TX on 5 May 2011, show the applicant held the rank of MSG at the time and was to be retired in the rank of MSG effective 30 April 2012.

9. A DA Form 3975 (Military Police Report) shows the applicant was apprehended and charged with assaulting her spouse during a domestic dispute on post on 14 September 2011.

10. On 31 October 2011, an administrative flag was imposed on the applicant to prevent her from receiving favorable actions while she was pending adverse action.

11. The applicant's ERB, dated 3 November 2011, shows her duty position title as "Rear Detachment 1SG" and the DMOS does not have SQI "M." She was assigned to this position on 27 March 2011. This document does not show the applicant attended an Army recognized 1SG course or that she was awarded SQI as part of her Primary MOS (PMOS).

12. On 22 November 2011, a General Officer Memorandum of Reprimand (GOMOR) was imposed upon the applicant by the Commanding General (CG), III Corps and Fort Hood, TX. She was reprimanded for assaulting her husband on 14 September 2011. Additionally, she was cited for domestic abuse in June of 2011 by the Killeen, TX Police Department. The applicant was advised the GOMOR was an administrative reprimand imposed under Army Regulation 600-37 (Unfavorable Information) and not as punishment under the Uniform Code of Military Justice. The applicant was afforded an opportunity to provide a rebuttal and elected to do so. The GOMOR and applicant's rebuttal are available in their entirety for the Board's consideration.

13. The applicant's company, battalion, and brigade commanders each recommended filing the GOMOR permanently in the applicant's Official Military Personnel File (OMPF).

14. On 29 December 2011, having carefully considered the reprimand, the circumstances of the misconduct, and all matters submitted by the applicant in defense, extenuation, or mitigation, if any, along with recommendations from subordinate commanders, the CG directed the GOMOR to be placed permanently in the applicant's OMPF.

15. Orders 044-0111 issued by Headquarters III Corps and Fort Hood, Fort Hood, TX on 13 February 2012, rescinded Orders 125-0114 issued by Headquarters III Corps and Fort Hood, Fort Hood, TX on 5 May 2011.

16. Orders 044-0112 issued by Headquarters III Corps and Fort Hood, Fort Hood, TX on 13 February 2012, show the applicant held the rank of MSG at the time and was to be retired in the rank of MSG effective 30 April 2012.

17. The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty) shows she was retired from the Regular Army in the rank/grade of MSG/E-8 on 30 April 2012 under the provisions of Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), Chapter 12, by reason of Sufficient Service for Retirement, with Separation Code "RBD" and Reentry Code "4R." Her DD Form 214 does not show she completed an Army recognized 1SG course or was awarded SQI "M."

18. The applicant petitioned the ABCMR for relief. On 5 September 2023, she was informed the ABCMR had considered her application under procedures established by the Secretary of the Army and denied her application.

19. The applicant provides an ERB, dated 17 January 2012. Although it shows she encumbered a 1SG position coded with SQI "M" from 28 May 2010 to 26 March 2011, it does not show she completed an Army recognized 1SG course or was awarded SQI "M."

20. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition.

#### BOARD DISCUSSION:

1. 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 found insufficient evidence to support the applicant's contentions of reconsideration of her previous request for correction of her record to show that she was retired in the rank/grade of first sergeant (1SG)/E-8 rather than master sergeant (MSG)/E-8. The Board found her record is void a DA Form 1059 showing completion of the first sergeant course or that she was awarded the SQI Identifier of "M". Per regulatory guidance the applicant must be serving in the position of 1SG at the time of her retirement and that was not the case.

2. The Board determined there is no error in the applicant's records, evidence shows the applicant served as 1SG from September 2010 to March 2011 for B Company 1<sup>st</sup> Battalion, 4<sup>th</sup> Combat Aviation Brigade without having completed the first sergeant course. The Board agreed the applicant was not serving in the role of 1SG at the time of her retirement in 2013. Therefore, the Board found reversal of the previous Board determination is without merit and 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 Board found 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 to amend the decision of the ABCMR set forth in Docket Number AR20230002546 on 17 August 2023.



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 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The regulation provides that 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. It is not an investigative body.
3. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) in effect at the time, sets policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.
  - a. Paragraph 12-13(d) (preparation of DA Form 2339 (Application for Voluntary Retirement) states if Soldier is currently serving in the grade of MSG but formerly

served as 1SG/E8, enter the following statement (see paragraph 12–17): "MSG (name) served satisfactorily as 1SG from (date) to (date)."

b. Paragraph 12-17 (Grade title on retired list of former first sergeants), NCOs holding the grade of MSG at retirement, whose records show successful service as 1SG, will be placed on the retired list in the grade title, 1SG. The following are the only criteria for such placement on the retired list:

- Soldier must be serving in and retiring in the grade of MSG
- Soldier must possess SQI "M"
- Soldier must have served as 1SG in grade of MSG
- No minimum time period is specified.

4. Army Regulation 635-5 (Personnel Separations – Separation Documents) in effect at the time, prescribes the separation documents that must be prepared for Soldiers on retirement, discharge, release from active duty service, or control of the Active Army. It establishes standardized policy for preparing and distributing the DD Form 214.

a. Paragraph 2-1 (Preparing the DD Form 214), the DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clearcut record of active duty service at the time of release from active duty, retirement, or discharge. The DD Form 214 is not intended to have any legal effect on termination of a Soldier's service.

b. Paragraph 2-4h (4) GRADE, RATE or RANK, enter active-duty grade or rank and pay grade at time of separation from ERB/ORB.

//NOTHING FOLLOWS//