

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 December 2024

DOCKET NUMBER: AR20240004096

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect he was separated from active duty in the rank of corporal (CPL).

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 for service ending 18 December 1998
- Department of Defense (DoD) Military Service Information

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 corporals are considered Noncommissioned Officers (NCOs) with more responsibilities than a specialist (SPC) although they are the same enlisted grade. A CPL is expected to fulfill leadership roles. The correction of his service record will show his dedication while he served. His promotion to the rank of CPL occurred while he was deployed to Bosnia, when several sergeants were discharged from the service and CPLs were needed to fill those vacancies. He requested this correct during his separation processing in Schweinfurt, Germany. The officials at the transition center told him it would be corrected and a corrected copy would be provided to him at his residence.
3. A review of the applicant's service record shows:
 - a. On 17 January 1995, the applicant enlisted in the Regular Army in the rank/grade of private first class (PFC)/E-3.
 - b. DA Form 2-1 (Personnel Qualification Record) shows in item 18 (Appointments and Reductions) the applicant held the rank of PFC, effective 17 January 1995.

c. On 13 August 1998, Orders Number 225-2, issued by Headquarters (HQs), U.S. Army Europe Schweinfurt, Germany, reassigned the applicant to the U.S. Army transition point for release from active duty in the rank of SPC.

d. On 18 December 1998, the applicant was honorably released from active duty and assigned to the U.S. Army Reserve (USAR) Control Group (Reinforcement). His DD Form 214 shows the applicant completed 3-years, 11-months, and 2-days of active service. It also shows in:

- Item 4a (Grade, Rate or Rank): SPC
- Item 4b (Pay Grade): E4
- Item 12h (Effective Date of Pay Grade): 1 December 1996
- Item 18 (Remarks) shows service in Bosnia from 7 October 1996 through 5 April 1997

e. On 21 January 2003, Orders Number D-01-302524, issued by the USAR Personnel Command, the applicant was honorably discharged from the USAR, effective 21 January 2003, in the rank of SPC.

f. Soldier Management Services - WEB Portal shows the applicant's rank as a SPC with the date of rank of 1 December 1996.

4. The applicant provides a DoD Military Service Information document which shows his rank was a CPL both on active duty and in the USAR.

5. On 21 October 2024, in the processing of his case, the U.S. Army Human Resources Command, Chief, Enlisted Promotions, Promotions Branch, provided an advisory opinion regarding the applicant's request for the correction of his rank on his DD Form 214. The advisory official recommended disapproval of the applicant's request. Army Regulation (AR) 600-8-19 (Enlisted Promotions and Reductions) states the appointment of acting NCOs will be announced in a memorandum and would be retained at unit or higher level HQs, until the appointment is terminated. There is no record to show the applicant was appointed to the rank of CPL.

6. On 29 October 2024, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. The applicant has not responded.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The

evidence shows the applicant served on active duty from 17 January 1995 to 18 December 1998. He was advanced to SPC/E-4 on 1 December 1996 (he served in Bosnia from 7 October 1996 to 5 April 1997). However, there is no evidence in the record, and he provides none to show he was appointed to the rank of CPL. Additionally, the Board reviewed and agreed with the HRC advisory officials' determination that AR 600-8-19 states the appointment of acting NCOs will be announced in a memorandum and would be retained at unit or higher level HQs, until the appointment is terminated. There is no record to show the applicant was appointed to CPL. In view of the foregoing, the Board determined relief is not warranted.

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 600-8-19 (Enlisted Promotions and Reductions), in effect at the time, prescribes the enlisted promotions and reductions function of the military personnel system. Paragraph 1-18 (Appointment of acting NCOs), commanders issuing movement orders for casual groups may appoint Soldiers as acting NCOs in grades of CPL. They will supervise and control movements. Acting NCOs are not entitled to pay and allowances for such higher grades. Service will not be credited as time in a higher grade for promotion or date of rank purposes. An acting NCO, appointed under this section, has all of the authority of a regularly appointed NCO of the same grade. Appointment of acting NCOs will be announced in a memorandum. The memorandum will be retained at unit or higher level HQ until appointment is terminated. Appointment will be terminated when casual groups reach their destinations.
3. AR 635-5 (Personnel Separations – Separation Documents), in effect at the time, prescribes the separation documents which are prepared for individuals upon release from active military service.
 - a. Paragraph 2-2 (Source Documents), personnel officers will use the following documents when preparing the DD Form 214:
 - DA Form 201 (Military Personnel Records Jacket)
 - DA Form 2 and 2-1 (Personnel Qualification Records)
 - Separation Orders
 - DD Form 4/4 (Enlistment/Reenlistment Document – Armed Forces of the United States)
 - DA Form 3716 (Personnel Financial Record)
 - Enlistment Records and DD Form 214 from prior service
 - Any other available records
 - b. Paragraph 2-8 (DD Form 214 Instructions) for item 4 (a and b)(Grade, Rate or Rank and Pay Grade), enter active duty grade of rank and pay grade at the time of separation.

//NOTHING FOLLOWS//