

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 December 2024

DOCKET NUMBER: AR20240004439

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show the rank/grade of sergeant (SGT)/E-5 vice specialist four (SP4)/E-4.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 2496-1 (Disposition Form)
- DD Form 214, ending on 1 February 1972

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 that as a Soldier who proudly served in the United States Army it is important to show his highest achievements and assigned responsibility. Additionally, it is important to him to show his highest rank earned.

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

- a. He was inducted into the Army of the United States on 24 July 1970.
- b. His DA Form 20 (Enlisted Qualification Record) shows, in pertinent part:

(1) Item 2 (Grade): SP4/E-4

(2) Item 3 (Date of Rank): 8 May 1971

(3) Item 33 (Appointments and Reductions):

- Private (E-1); 24 June 1970

- Private (E-2); 24 October 1970
- Private First Class (PFC)/E-3; 6 January 1971
- SP4/E-4; 8 May 1971

c. Special Orders Number 182, issued by Headquarters, 2nd Infantry Division on 1 July 1971 shows he was appointed from Military Occupational Specialty (MOS) 11B10 (Infantryman) to 11B20 in the rank/grade of PFC/E-3 to SP4/E-4, effective 8 May 1971.

d. Special Orders Number 32, issued by Headquarters, U.S. Army Personnel Center, relieved him from active duty and transferred him to the U.S. Army Reserve (USAR) Control Group (Annual Training), effective 1 February 1972.

e. The applicant was honorably released from active duty and transferred to the USAR Control Group (Annual Training) on 1 February 1972. He completed 1 year, 6 months, and 8 days of active service. His DD Form 214 shows his rank as SP4/E-4 at the time of separation.

4. The applicant provides DA Form 2496-1, dated 23 October 1971, that shows he was selected for promotion to the grade and MOS of 11B40, effective 15 October 1971.

5. The applicant did not provide, nor does his record contain any orders that show promotion to the rank/grade of SGT/E-5.

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 information reflected on the applicant's DA Form 20 and the lack of any other evidence showing the applicant obtained and served in the rank of SGT during the period of service covered in his DD Form 214, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's rank reflected on his DD Form 214.

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.

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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 (AR) 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.
3. AR 600-200 (Enlisted Personnel Management System), in effect at the time, states in chapter 7 (Promotions) the promotion authority for promotion to the rank of SGT is

field grade commanders of any unit authorized a commander in the rank/grade of lieutenant colonel (LTC)/O-5 or higher. Promotions of enlisted personnel to grade E-3 through E-9 will be announced in routine orders. Promotion point cutoff scores announced for the primary zone list will be used to promote individuals from that list only. Recommended-list status is limited to Soldiers achieving at least—

- 450 promotion points if competing for promotion to grade E-5 in the primary zone
- 500 promotion points if competing for promotion to grade E-5 in the secondary zone

4. Army Regulation 635-5 (Separation Documents), in effect at the time, states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. In The Military Personnel Records Jacket, US Army (MPRJ), Official Military Personnel Files (OMPF), DA Forms 2 and 2-1 (Personnel Qualification Record) are the basic source documents.

//NOTHING FOLLOWS//