

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 December 2024

DOCKET NUMBER: AR20240004506

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 6 August 2014, to reflect in:

- Block 4a (Grade, Rate, or Rank) Sergeant (SGT)
- Block 4b (Pay Grade) E05
- Block 11 (Primary Specialty) the correct dates of service as an infantryman

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

- DD Form 149 (Application for Correction of Military Record)
- Letter from Retirement Services dated 16 July 2014
- Orders Number 137-3185, 17 May 2007
- Orders Number 137-3185, 17 May 2007 (CORRECTED COPY)
- DA Form 2166-8 (NCO Evaluation Report) 31 May 2012
- United States Army Infantry School Completion Certificate dated 29 June 2007
- Certificate of Promotion 1 June 2011
- Orders Number 153-0172, 2 June 2014

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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 is requesting that his rank in block 4a and pay grade in block 4b be corrected to show the correct rank of SGT/E-5 vice specialist (SPC)/E-4 and his primary military occupational specialty in block 11 reflects the correct dates for his time as an 11B. He honorably served and achieved the rank of SGT and in the future when he passes away, he wants to ensure his headstone reflects his proper rank and service.
3. On 14 December 2001, the applicant enlisted in the United States Army Reserve (USAR) for a period of 8-years.

a. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows in block 12a that the applicant entered active duty this period on 6 May 2002 and was honorably released from active duty training on 27 November 2002 for completion of required active service.

b. Orders Number 330-203 dated 26 November 2002, issued by Headquarters, United States Army Signal Center and Fort Gordon, awarded him military occupational specialty (MOS) of 31U10.

c. Orders Number 04-072-00091 dated 12 March 2004, issued by Headquarters, 63d Regional Readiness Command, discharged the applicant from the USAR with an Under Honorable Conditions (General) characterization of service.

4. On 26 July 2004, he enlisted in [REDACTED] Army National Guard ([REDACTED] ARNG) for 5 years, 4 months, and 18 days and endorsed NGB Form 21 (Annex A - DD Form 4 Enlistment/Reenlistment Agreement) acknowledging that he understood that he would undergo training in the MOS/PMOS of 11B10.

a. Orders Number 266-3899, 22 September 2004, issued by Joint Forces Headquarters (JFH), [REDACTED] ARNG, withdrew MOS 31U and awarded him MOS 25U and state his duty military occupational specialty (DMOS) as 11B10.

b. DD Form 214 shows in block 12a that the applicant entered active duty this period on 7 November 2004 and was honorably released from active duty on 17 August 2005 for completion of required active service.

c. On 1 April 2006, the applicant was released from the [REDACTED] ARNG for Unsatisfactory Participant with a under honorable conditions characterization of service and transferred to the USAR Control Group. His NGB Form 22E (Report of Separation and Record of Service) show in item 13 (Primary Specialty Number, Title and Date Awarded) 25U10 Signal Support Systems Specialist 26 July 2004.

5. On 22 March 2007, he enlisted in the Regular Army in the rank of SPC/E-4, for a period of 3 years and 9 weeks and served continuously through reenlistments and extensions. He also acknowledged on his enlistment contract endorsed on 22 March 2007, that he would continue to receive training in the MOS/Career Management Field (CMF) within CMF: 11X - INFANTRY RECRUIT. On 7 May 2008, the applicant agreed to receive a reenlistment bonus for remaining technically qualified in the MOS of 11C.

a. Two DA Form 2166-8 (NCO Evaluation Report) show his rank as SGT with a date of rank as 1 June 2011:

- 22 May 2012 (Annual) – in Part V (Overall Performance and Potential) he received a Successful rating in overall performance and an overall Superior rating in potential for promotion and/or service in positions of greater responsibility.
- 16 July 2013 (Relief for Cause) – in Part IV (Army Values /Attributes /Skills/ Actions) he received a rating of “No” in the item a6 (Integrity) (put integrity in question on one occasion by falsifying legal documents) and in item f (Responsibility & Accountability) a “Needs Improvement” rating for lying and falsifying documents to obtain Army Emergency Relief loan

b. Orders Number 153-0172, 2 June 2014, issued by Installation Management Command, Joint Base Elmendorf-Richardson, Alaska, released him from assignment and duty because of physical disability and placed him on the Temporary Disability Retired List (TDRL) effective 7 August 2014. The orders list his retired grade as SGT.

c. DD Form 214 shows in block 12a that the applicant entered active duty this period on 22 March 2007 and was honorably released for retirement on 6 August 2014 for placement on TDRL. It also shows in:

- Block 4a (Grade, Rate, or Rank) SPC
- Block 4b (Pay Grade) E04
- Block 11 (Primary Specialty) 11B10 INFANTRYMAN – 00 YRS 00 MOS
- Block 12i (Effective Date of Pay Grade) 28 July 2014
- Block 18 (Remarks) the Combat Infantryman Badge.

d. Orders Number 218-0173 dated 6 August 2014, issued by Installation Management Command, Joint Base Elmendorf-Richardson, Alaska, amended his “Retired grade of rank” to read SPC.

e. Enlisted Record Brief dated 13 August 2014, indicate his PMOS is 11B and in Section III (Service Data) the following:

- Rank/Date of Rank (DOR) - SGT/1 June 2011
- Rank/DOR – SPC/28 July 2014

f. Orders Number D 015-43 dated 15 January 2016, issued by U.S. Army Physical Disability Agency, removed the applicant from TDRL because of permanent physical disability and permanently retired him in his current grade of rank.

6. The applicant provides:

a. letter from a Retirement Services Officer at Headquarters. 673d Air Base Wing, Joint Base Elmendorf-Richardson, Alaska, 16 July 2014, addresses him as SGT and states his estimated gross retirement pay from the military.

b. Orders Number 137-3185, issued by Headquarters, United States Army Infantry Center, 17 May 2007, awarded the applicant the primary MOS (PMOS) 11C10 with an effective date of 22 June 2007.

c. a Corrected copy of Orders Number 137-3185 dated 17 May 2007, issued by Headquarters, United States Army Infantry Center, awarded the applicant the PMOS of 11B10 with an effective date of 22 June 2007.

d. An annual DA Form 2166-8 (NCO Evaluation Report), dated 22 May 2012, shows in Part V (Overall Performance and Potential) he received a Successful rating in overall performance and an overall Superior rating in potential for promotion and/or service in positions of greater responsibility.

e. United States Army Infantry School Completion Certificate, 29 June 2007, indicates the applicant successfully completed individual infantry training from 15 March 2007 to 29 June 2007.

f. Certificate of Promotion, 1 June 2011, show he was promoted to the rank of Sergeant.

g. Orders Number 153-0172, issued by Installation Management Command, Joint Base Elmendorf-Richardson, Alaska, 2 June 2014, released him from assignment and duty because of physical disability and placed him on the Temporary Disability Retired List (TDRL) effective 7 August 2014.

#### BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the information on the applicant's ERB showing he held the PMOS of 11B for the entire period of his last DD Form 214, the Board concluded that the applicant's last DD Form 214 incorrectly shows the time served at an 11B.

Additionally, based upon the DOR reflected on the applicant's ERB showing he was reduced from SGT to SPC on 28 July 2014, the Board concluded that portion of the request (related to rank) was not warranted.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	GRANT FULL RELIEF
■	■	■	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 6 August 2014, so that block 11 shows:

- 11B10 INFANTRYMAN – 07 YRS 04 MOS
- Delete all mention of 31U, Signal Support Systems Specialist

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to changing the rank and grade on the applicant's DD Form 214.

3/31/2025

X

CHAIRPERSON

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 635-5 (Separation Processing and Documents), 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 the below paragraph provide detailed instructions for data required in each block of the DD Form 214.

a. Block 4a and 4b (Grade, Rate, or Rank) (Pay Grade) enter active duty grade or rank and pay grade at time of separation from enlisted record brief (ERB).

b. Block 11 (Primary Specialty) from the ERB/ORB, enter the titles of all MOS or AOC served for at least 1 year and include for each MOS/AOC the number of years and months served. For time determination, 16 days or more count as a month. Do not count basic training and AIT. For an enlisted soldier, also specify the first 5 characters of the primary MOS code (MOSC), which includes the 3 characters of the MOS, the fourth character of skill and grade level in the MOS, and the fifth character of a special qualification identifier (SQI), if applicable. Enter "O" when not applicable. When MOSC merge at the skill level 5, make separate entries for the highest skill level in each MOSC below the skill level 5.

//NOTHING FOLLOWS//