

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 June 2025

DOCKET NUMBER: AR20240004559

APPLICANT REQUESTS: correction of Special Orders Number 88 Extract, 29 March 1973 to remove "Failure to Qualify for Promotion."

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Statement

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 his honorable discharge orders state the reason for his discharge was a failure to qualify for promotion. However, he was really discharged because for completing his 6-year term of enlistment. He enlisted on 20 April 1967 and fulfilled his 6-year obligation on 19 April 1973. He was commissioned as a second lieutenant on 4 July 1969 and had no intention or interest in trying to be promoted to first lieutenant. He does not know why this would be entered on his record as a reason for discharge, because it is inaccurate as to why he left the military. Over 50 years later, it still upsets him and is personally unacceptable to have a failure on his record. He served admirably for 6 years and is proud of his service.

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

- on 20 April 1967, he enlisted in the Army National Guard (ARNG) for a 6-year service commitment
- on 3 July 1969, he was honorably discharged to accept an appointment as a Reserve officer of the Army in the ARNG
- on 4 July 1969, he accepted appointment as a commissioned officer
- on 25 June 1970, he was transferred to the 478th Engineer Battalion, U.S. Army Reserve (USAR)

- on 24 June 1971, his DA Form 67-6 (U.S. Army Officer Efficiency Report) shows he needed to complete the Engineer Officer Basic Course and had been enrolled in the correspondence course
- on 31 March 1972, his DA Form 67-6 again shows he needed to complete the Engineer Officer Basic Course to be as effective as he should have been
- on 2 August 1972, he received a letter for non-selection for reserve promotion because he had not completed the military educational requirements and would be retained in an active reserve status to complete his statutory service obligation
- on 19 April 1973, his DA Form 67-6 shows he was unconcerned about his military education and had not completed the basic course after 6 years
- on 29 March 1973, Special Orders Number 88 Extract honorably discharged him from the USAR effective 19 April 1973 under the provisions of Army Regulation 135-175 (Army National Guard and Army Reserve Separation of Officers), paragraph 4-6, due to his failure to qualify for promotion

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 reviewing the applicant's petition and available military records, the Board found no error in Special Orders Number 88, as they align with the regulatory guidance in effect during the applicant's service. Records confirm that the applicant did not complete the Engineer Officer Basic Course, which would have made him eligible for promotion to First Lieutenant. In accordance with Army Regulation 135-175 (Army National Guard and Army Reserve Separation of Officers), paragraph 4-6, the Board determined the applicant's orders were correct. Based on these findings, 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.



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 135-90 (Service Obligations, Methods of Fulfillment, and Enforcement Procedures) then in effect, prescribed that obligated male enlisted members who are initially appointed in the USAR or ARNGUS retain their original obligation incurred upon enlistment. Ready Reserve requirements for such officers will be the same as those required if the officer had remained in an enlisted status. If such an officer serves on active duty, he will be eligible for transfer to the Standby Reserve upon completion of a total of 5 years' service. Service performed as an enlisted member and as an officer will be used in computing the required 5 years' service.
3. Army Regulation 135-175 (Army National Guard and Army Reserve Separation of Officers), paragraph 4-6 then in effect, prescribed the following for officers who failed to qualify for promotion to first lieutenant. An officer in the grade of second lieutenant who has completed his statutory military service obligation will be discharged upon being considered but not recommended for promotion by the appropriate commander on or before the date upon which he completes 3 years of promotion service.

//NOTHING FOLLOWS//