

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 January 2025

DOCKET NUMBER: AR20240004684

APPLICANT REQUESTS:

- correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show his rank/pay grade as sergeant (SGT)/E-5 with an earlier date of promotion
- remuneration of pay from the date of his promotion to SGT/E-5

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

- DD Form 149 (Application for Correction of Military Record), 11 March 2024
- DD Form 214, 27 September 1969
- Newspaper story, 25 March 1969

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:

a. While in Vietnam, the sergeant of his unit left. His supervisor told him they needed someone to be by the sergeant so they gave him the stripes. He had the responsibilities and risks from being at a higher rank but he never received the pay. He was called sergeant the rest of the time he was in the Army.

b. When he returned to the continental United States at Fort Lewis, he was still wearing the stripes. He told them he was never officially promoted. They told him to keep wearing the sergeant rank.

c. A copy of a news story about his promotion was published in his home newspaper.

3. The applicant provided copies of:

a. His DD Form 214, dated 27 September 1969

b. A newspaper story, dated 25 March 1969, showing he was promoted to sergeant in the U.S. Army. He was stationed at Cam Ranh Bay, Vietnam, and he had been in the Army since 1968.

4. A review of the applicant's service records reflects:

a. On 21 February 1968, he was inducted into the Army of the United States.

b. On 21 June 1968, he was assigned to a casual status and enroute to U.S. Army Pacific.

c. On 22 June 1968, he was promoted to private 2/E-2.

d. On 18 July 1968, he deployed to Vietnam and on 28 July 1968, he was assigned to 870th Transportation Company.

e. Special Orders Number 217, issued by Headquarters (HQ), U.S. Army Support Command, Cam Ranh Bay, Vietnam, dated 4 August 1968, promoted him to private first class/E-3 permanent grade (P).

f. Special Orders Number 341, issued by HQ, U.S. Army Support Command, Cam Ranh Bay, Vietnam, dated 6 December 1968, promoted him to specialist 4/E-4 temporary grade (T) with a date of rank of 19 November 1968.

g. Unit Orders Number 17, issued by 155th Transportation Company (Terminal Service), dated 16 March 1969, appointed him to a temporary acting noncommissioned officer in the rank of sergeant/E-5.

h. Special Orders Number 232, issued by HQ, U.S. Army Support Command, Cam Rank Bay, Vietnam, dated 20 August 1969, reassigned him to U.S. Army Transfer Station, Fort Lewis for separation processing. His rank/pay grade were shown as SP4/E-4.

i. Special Orders Number 270, issued by HQ, U.S. Army Personnel Center, Fort Lewis, dated 27 September 1969, relieved him from active duty. His rank/pay grade were shown as SP4/E-4.

j. His DA Form 20 (Enlisted Qualification Record) shows the highest rank/pay grade he achieved was SP4/E-4 (T) on 19 November 1968.

k. On 27 September 1969, he was honorably released from active duty and transferred to control of the U.S. Army Reserve (USAR) Control Group Annual Training (AT). His DD Form 214 shows in:

- block 5a (Grade, Rate, or Rank) – SP4 (T)
- block 5b (Pay Grade) – E-4
- block 6 (Date of Rank) – 19 November 1968

l. Letter Orders Number 02-149306, issued by U.S. Army Reserve Components Personnel and Administration Center, dated 7 February 1973, relieved him from USAR (AT), and assigned him to USAR Control Group Reinforcement. His rank was shown as SP4/E-4.

m. Letter Orders Number 01-1028750, issued by U.S. Army Reserve Components Personnel and Administration Center, dated 23 January 1974, honorably discharged him from USAR Control Group Reinforcement effective 1 February 1974. His rank was shown as SP4/E-4.

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 available documentation showing the applicant was TEMPORARILY promoted to the rank of SGT and he held the rank of SP4/E4 at the time of separation, the Board concluded the applicant's DD Form 214 accurately reflects the rank held by the applicant at the time of separation.

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 635-5 (Separations Documents), in effect at the time, prescribed the separation documents that would be furnished each individual who is separated from the Army. It established standardized procedures for the preparation and distribution of these documents. All available records would be used as a basis for the preparation of the DD Form 214, including DA Form 20, and orders.
 - a. A DD Form 214 would be furnished at the time of separation to each member of the Regular Army.
 - b. In item 5a (Grade, Rate, or Rank), enter grade in which serving at the time of separation, indicating whether permanent or temporary. Example: "MSG (P) [Master Sergeant, Permanent]" or "MSG (T) [Master Sergeant, Temporary]."
 - c. In item 5b, enter pay grade, e.g. "E-8" or "E-4."
 - e. In item 5b (Pay Grade), enter pay grade, e.g. "E-8" or "E-4."
3. Army Regulation 624-200 (Promotions, Demotions, and Reductions – Appointment and Reduction of Enlisted Personnel) prescribe the policies and procedures governing

appointment and reduction of all enlisted personnel on active duty, other than active duty for training. Paragraph 12 (Acting noncommissioned officers) provides that:

a. Company, troop, battery, and separate detachment commanders may appoint acting corporals, E-4, and acting sergeants, E-5, to fill position vacancies existing in their units.

b. Commanders issuing movement orders for casual groups may appoint acting noncommissioned officers to exercise supervision and control during movement. Such appointments will end when the groups reach their destinations.

c. Acting noncommissioned officers may wear either the regular insignia of grade permanently affixed to the sleeve or acting noncommissioned officer brassards as described in Army Regulation 670-5. The wearing of regular insignia of grade is encouraged in the units where experience indicates the acting noncommissioned officer will normally attain a regular appointment to the grade in which he is acting. Acting noncommissioned officers of casual groups and training activities, where frequent personnel changes make the regular insignia impracticable, will wear the brassard (Army Regulation 670-5).

d. Acting noncommissioned officers are not entitled to the pay and allowances of such higher grades, and service as an acting noncommissioned officer will not be credited as time in a higher grade for appointment or date of rank purposes.

e. The appointment of acting noncommissioned officers and the termination of such status will be announced in orders issued by the appointing authority. Acting noncommissioned officers' status will be terminated: (1) At the discretion of the unit commander who made the appointment. (2) Upon reassignment to another unit. (3) Upon assignment of a regularly appointed noncommissioned officer to the position.

//NOTHING FOLLOWS//