

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 December 2024

DOCKET NUMBER: AR20240005454

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show the rank/grade of specialist four (SP4)/E-4 vice private first class (PFC)/E-3.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

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 when he received his discharge certificate it showed the rank/grade of SP4/E-4.

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

a. He enlisted in the Regular Army on 24 February 1983 in the rank/grade of private (PV2)/E-2.

b. DA Form 2-1 shows, in item 18 (Appointments and Reductions):

- Private (E-2); 24 February 1983
- PFC/E-3; 1 September 1983
- SP4/E-4; 1 April 1984
- PFC/E-3; 1 September 1983
- PFC/E-3 (U.S. Army Reserve (USAR); 1 September 1983
- SP4/E-4 (USAR); 1 March 1989

c. Orders Number 222-67, issued by Headquarters, 24th Infantry Division (Mechanized) and Fort Stewart, dated 18 November 1986 relieved him from active duty with an effective date of 23 February 1987.

d. The applicant was honorably released from active duty and transferred to the USAR Control Group (Reinforcement) on 6 February 1987. He completed 3 years, 11 months, and 13 days of active service. His DD Form 214 shows in item 4a (Grade, Rate, or Rank) "PFC," and item 4b (Pay Grade) "E-3."

4. The applicant's record does not contain, nor did he provide, any documentation that shows he held the rank/grade of SP4/E-4 at the time of his separation. Additionally, his record does not contain documentation pertaining to the circumstances surrounding his demotion from SP4/E-4 to PFC/E-3 on or about 1 September 1983.

BOARD DISCUSSION:

1. 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 promoted to SPC/E4 after the period of military service covered on the DD Form 214 (while serving in USAR status), the Board concluded there was insufficient evidence of an error or injustice warranting a correction to the applicant's rank.

2. The Board wished to advise the applicant that information on the DD Form 214 annotates information at the time of publication, not events after the period of service covered.

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. 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. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.
3. AR 600-200 (Enlisted Personnel Management System), in effect at the time, states criteria for promotion to E-4 is 24 months time in service which may be waived to 12 months. Time in grade as an E-3 is 6 months and may be waived to 3 months.
4. AR 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 (MPRJ), U.S. Army (MPRJ), Official Military Personnel Files

(OMPF), DA Forms 2 and 2-1 (Personnel Qualification Record) are the basic source documents. Item 4a; enter the rank in which serving at the time of separation.

//NOTHING FOLLOWS//