

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 February 2025

DOCKET NUMBER: AR20240005626

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect his highest rank/grade held as colonel (COL)/O-6 versus lieutenant colonel (LTC)/O-5.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored statement
- Request for voluntary retirement, 9 June 1999
- Request for voluntary retirement, 16 June 1999
- Defense Finance and Accounting Service (DFAS) Leave and Earnings Statement for service 31 July 1999
- DFAS Leave and Earnings Statement for service 31 August 1999
- Headquarters (HQs), U.S. Army Europe Stuttgart Transition Center Orders Number 208-02
- DD Form 363 (Certificate of Retirement)
- U.S. Uniformed Services Identification Card

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 he requests the correction of his DD Form 214 to reflect his highest rank/grade held as COL/O-6 versus LTC/O-5 in order for his Department of Veterans Affairs headstone for burial in the National Cemetery to be correct. He was promoted to the rank/grade of COL/O-6 on 1 May 1999. When he requested to retire, he knew he would receive his retirement pension for the rank of LTC because he did not serve 3-years in the grade of O-6 but he was not aware his promotion would be expunged from his records. He was informed by a senior Adjutant General officer the U.S. Air Force had a policy to rescind promotion of officer if their time in grade thresholds were not met, but the Army did not adhere to the same policy, except for the

rate of their pensions. He is not requesting any monies, just to be able to have his highest rank/grade held on active duty to be reflected on his headstone. He did not request this correction when he initially retired because death was not something he thought of at the time until he was diagnosed with cancer. This made him think about his wishes when he died.

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

a. On 2 September 1975, the applicant enlisted in the U.S. Army Reserve (USAR) and was assigned to the USAR Control Group (Reserve Officers' Training Corps (ROTC)).

b. Officer Record Brief shows the applicant was promoted to the rank of LTC on 1 July 1993 and promoted to the rank of COL on 1 May 1999.

c. On 14 May 1978, the applicant executed his oath of office and was appointed a Reserve commissioned officer in the rank/grade of second lieutenant (2LT)/O-1.

d. On 9 August 1978, Orders Number 136-4-A-590, issued by HQs, U.S. Army Second ROTC Region, the applicant was ordered to active duty, effective 30 September 1978.

e. On 17 January 1990, the applicant executed his oath of office and was appointed as a Regular Army officer in the rank of major.

f. On 9 June 1993, Orders Number 93-011, issued by the U.S. Total Army Personnel Command, the applicant was promoted to the rank/grade of LTC/O-5 in the U.S. Army, effective 1 July 1993 with the same date of rank.

g. The applicant's service record is void of evidence of his promotion to the rank/grade of COL/O-6.

h. On 16 June 1999, the applicant requested a voluntary retirement, effective 30 November 1999, and to be placed on the retired list, effective 1 December 1999. He understood a grade determination would be established by Headquarters Department of the Army. He believed he would be entitled to retire in the rank of LTC.

i. On 25 July 1999, the applicant's request for retirement, effective 30 November 1999, was approved.

j. On 27 July 1999, Orders Number 208-01, issued by HQs, U.S. Army Europe Stuttgart Transition Center, the applicant was retired from active duty, effective

30 November 1999 and placed on the retired list, effective 1 December 1999, in the rank of LTC.

k. On 30 November 1999, the applicant was honorably retired from active duty and assigned to the USAR Control Group (Retired Reserve). DD Form 214 shows the applicant completed 21-years, 2-months, and 2-days of active service. It also shows in:

- Item 4a (Grade, Rate or Rank): LTC
- Item 4b (Pay Grade): O5
- Item 12h (Effective Date of Pay Grade): 1 July 1993
- Item 18 (Remarks): Retired list rank: LTC

l. Soldier Management Services - WEB Portal screenshot shows the applicant's rank as COL with the date of rank of 1 May 1999.

4. The applicant provides:

a. On 9 June 1999, the applicant requested a voluntary retirement, effective 1 December 1999 and to be placed on the retired list, effective 1 January 2000. He understood a grade determination would be established by Headquarters Department of the Army. He believed he would be entitled to retire in the rank of LTC. The applicant's chain of command recommended approval of his request; however, there was no evidence this request was approved.

b. DFAS Leave and Earnings Statement for service period of 1 through 31 July 1999 shows the applicant's grade as O-6.

c. DFAS Leave and Earnings Statement for service period of 1 through 31 August 1999 shows the applicant's grade as O-6.

d. HQs, U.S. Army Stuttgart Transition Center Orders Number 208-02 shows the applicant was ordered to report to the U.S. Army Transition point Stuttgart Transition Center, effective 29 November 1999, for retirement, effective 30 November 1999. The orders show the applicant's rank was COL.

e. DD Form 363 shows the applicant was retired from the U. S. Army in the rank of COL, effective 30 November 1999.

f. U.S. Uniformed Services Identification Card shows the applicant's retired rank/grade of COL/O-6.

BOARD DISCUSSION:

1. 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 review of the applicant's petition and available military records, the Board noted the applicant's contentions for correction of his DD Form 214 reflecting his highest rank/grade held as colonel (COL)/O-6 rather than lieutenant colonel (LTC)/O-5, citing his promotion to COL on 1 May 1999 and his desire for his Department of Veterans Affairs headstone to reflect that rank.
2. The Board acknowledged the applicant's distinguished career and his personal circumstances, including his recent cancer diagnosis. However, regulatory guidance governing officer transfers and discharges does not support the requested correction to his DD Form 214. The applicant voluntarily requested retirement effective 30 November 1999, having served less than one year in the grade of colonel (COL/O-6), and was fully aware that his retirement grade would be determined by Headquarters, Department of the Army. In accordance with Army policy, officers must serve satisfactorily in a higher grade for a minimum of three years to retire at that grade. The applicant's DD Form 214 properly reflects his retired grade as lieutenant colonel (LTC/O-5), consistent with this requirement.
3. The Board further found that the applicant's record is void of formal confirmation of his promotion to COL/O-6. While DFAS records, identification documents, and other administrative materials may reflect COL as his rank, they do not supersede the official retirement orders, or the grade determination made by the Army. The DD Form 214 is a legal document governed by Army Regulation 635-8 and must reflect the grade in which the officer was retired—not the highest rank held. Therefore, in accordance with regulatory guidance and in the absence of sufficient justification to override the established retirement grade, the Board found no error or injustice and denied relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XXX	XXX	XXX	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.

X //SIGNED//

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, 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) 600-8-24 (Officer Transfers and Discharges) in effect at the time, prescribes the officer transfers from active duty to the Reserve Component and discharge functions for all officers on active duty for 30-days or more. It provides principles of support, standards of service, policies, tasks, rules, and steps governing all work required to support officer transfers and discharges. Paragraph 6-1 (The Officer Retirement Program) b. A commissioned officer may retire in the highest rank served satisfactorily on active duty for 6 or more months unless entitled by law to a higher-grade Title 10 United States Code (USC), section 1370(a)(1). c. A commissioned officer must serve on active duty 3-years in grade to retire in rank above major and below lieutenant general (does not apply to AGR). However, the President may waive this requirement in individual cases involving extreme hardship or exceptional or unusual circumstances, Title 10 USC, section 1370(a)(2)).
3. Title 10 USC, section 1370 (Regular commissioned officers), (a) Retirement in Highest Grade in Which Served Satisfactorily, unless entitled to a different retired grade under some other provision of law, a commissioned officer (other than a commissioned warrant officer) of the Army who retires under any provision of law shall be retired in the

highest permanent grade in which such officer is determined to have served on active duty satisfactorily. (b) Retirement of Officers Retiring Voluntarily; (1) Service-in-grade requirement; in order to be eligible for voluntary retirement under any provision of this title in a grade above the grade of captain in the Army a commissioned officer of the Army must have served on active duty in that grade for a period of not less than three years, except that: the Secretary of Defense may reduce such period to a period of not less than two years for any officer; and (B) in the case of an officer to be retired in a grade at or below the grade of major general or rear admiral, the Secretary of Defense may authorize the Secretary of the military department concerned to reduce such period to a period of not less than two years. (7) Retirement in next lowest grade for officers not meeting requirement; an officer described in paragraph (1) whose length of service in the highest grade held by the officer while on active duty does not meet the period of the service-in-grade requirement applicable to the officer shall be retired in the next lower grade in which the officer served on active duty satisfactorily, as determined by the Secretary of the military department concerned or the Secretary of Defense, as applicable.

4. Department of Defense Financial Management Regulation 7000.14, Volume 7B section 0106 B. (Rank and Pay Grade) states A commissioned officer, other than a commissioned warrant officer of the Army, Navy, Air Force, or Marine Corps, who voluntarily retires in a grade above major or lieutenant commander, must serve on active duty in that grade for not less than 3 years. The President may waive this requirement in cases of hardship or exceptional or unusual circumstances. The Secretary of the Military Department concerned (or designee) may reduce the service-in-grade requirement to 2 years. C. Retirement to the Next Lower Grade. An officer who does not meet the service-in-grade requirement retires in the next lower grade in which the member served on active duty satisfactorily for at least 6 months.

//NOTHING FOLLOWS//