

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 February 2025

DOCKET NUMBER: AR20240006020

APPLICANT REQUESTS:

- advancement on the retired list to the rank of major (MAJ) based on the highest grade held
- restoration of primary specialty 62A (Emergency Physician)

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 71 (Oath of Office – Military Personnel), 11 May 2014
- Memorandum – Subject: Separation – To Enlist/Reenlist in the Regular Army, 25 March 2020
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 27 May 2021
- DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the U.S.), 28 May 2021
- Orders Number 148-0258, 28 May 2021
- DD Form 214, 31 May 2021

FACTS:

1. The applicant states he was previously appointed as a commissioned officer on 11 May 2014. He notes that due to the needs of his family, he elected to voluntarily retire in 2021, after only completing 7 years of commissioned service, but 20 years, 5 months, and 22 days of total active federal service. Prior to retiring, the applicant had achieved the rank of major (MAJ)/O-4. Upon resigning his commission in 2021, he was released from active duty, subsequently enlisted at the rank of sergeant (SGT)/E-5 and retired immediately. Although the applicant served honorably for over 20 years, he did not fulfill his statutory requirement to complete 10 years of commissioned service prior to retiring. However, he would like his rank (MAJ) and primary specialty (62A) restored.

2. A review of the applicant's available service records reflects the following:

- a. On 14 June 1994, the applicant enlisted in the U.S. Air Force.

b. On 18 November 2007, he was honorably discharged after completing 13 years 5 months 5 days of active-duty service.

c. On 29 March 2010, the applicant was appointed as a Reserve commissioned officer at the rank of second lieutenant (2LT)/O-1.

d. On 11 May 2014, the applicant was appointed as a Regular Army commissioned officer at the rank of captain (CPT) within the Army Medical Corps as a 62A.

e. On 23 April 2020, Headquarters, U.S. Army Human Resources Command (AHRC) issued Orders Number 114-021 announcing the applicant's promotion to MAJ effective 11 May 2020.

f. On 13 January 2021, AHRC approved the applicant's request for enlistment and grade determination for the purpose of retirement. The applicant was authorized to enlist at the rank of SGT under the provisions of Army Regulation 601-280 (Army Reenlistment Program), Table E-1 on 28 May 2021 for a term of 24 months with a 31 May 2021, effective date of retirement. His military occupational specialty (MOS) would reflect 09U (Unqualified in Authorized Army MOS).

g. On 4 February 2021, U.S. Army Installation Management Command issued Orders Number 035-0257, reassigning the applicant to the U.S. Army transition point at the rank of MAJ pending separation processing.

h. On 27 May 2021, the applicant was honorably discharged at the rank of MAJ for immediate reenlistment in accordance with Army Regulation 600-8-24 (Officer Transfers and Discharges). DD Form 214, item c. (Net Active Service this Period) reflects 7 years 17 days; Item 12d. (Total Prior Active Service) reflects 13 years 5 months 5 days.

i. On 28 May 2021, the applicant enlisted in the Regular Army for 2 years at the rank of SGT. Subsequently, U.S. Army Installation Management Command issued Orders Number 148-0258, reassigning the applicant for separation processing at the rank of SGT and placement on the retired list on 1 June 2021, at the rank of SGT; prior grade held MAJ with a 11 May 2020 date of rank.

j. On 31 May 2021, the applicant was retired from military service at the rank of SGT. DD Form 214, item 12c. (Net Active Service) reflects 3 days; item 12d. (Total Prior Active Service) reflects 20 years 5 months 22 days.

3. The applicant provides a Memorandum – Subject: Separation – To Enlist/Reenlist in the Regular Army, 25 March 2020, reflective of the approval of his unqualified resignation effective 27 May 2021, in accordance with Army Regulation 600-8-24, Chapter 3, Section III.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, 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 review based on law, policy, and regulation.

a. Title 10, United States Code, Section 7344 and Army Regulation 15-80, paragraph 3-2 provide that an enlisted member may be advanced on the retired list to the highest grade served on active duty satisfactorily when the member's active service plus service on the retired list totals 30 years. He retired from active duty on 31 May 2021 at the enlisted rank of SGT with 20 years, 5 months, and 26 days of active service, having served previously as a MAJ but with insufficient time as a commissioned officer to retire as one. With under 5 years on the retired list, the applicant does not meet the required 30-year threshold for advancement to his previously held grade. The applicant should reapply to the Army Grade Determination Review Board when he approaches a combined 30 years of active service and time on the retired list.

b. Upon reenlistment, the applicant's military occupational specialty (MOS) was designated as 09U (Unqualified in Authorized Army MOS), reflecting his status as an enlisted Soldier without qualification in a designated enlisted MOS. Because the applicant is not eligible for advancement to an officer grade at this time, the Board did not consider whether restoration of the prior MOS is warranted.

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. 10 U.S.C. Section 1370 (Regular Commissioned Officers) provides that 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 other than chapter 61 or 1223 of this title shall be retired in the highest permanent grade in which such officer is determined to have served on active duty satisfactorily. 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.
2. 10 U.S.C. Section 7311 (20 Years or More – Regular or Reserve Commissioned Officers) provides that the Secretary of the Army may, upon the officer's request, retire a regular or reserve commissioned officer of the Army who has at least 20 years of service computed under section 7326 of this title, at least 10 years of which have been active service as a commissioned officer.
3. 10 U.S.C. Section 7344 (Higher Grade after 30 years of Service: Warrant Officers and Enlisted Members) provides that each retired enlisted member of the Army who is retired with less than 30 years of active service is entitled, when his active service plus his service on the retired list totals 30 years, to be advanced on the retired list to the highest grade in which he served on active duty satisfactorily (or, in the case of a member of the National Guard, in which he served on full-time duty satisfactorily), as determined by the Secretary of the Army.
4. Army Regulation 600-8-24 (Officer Transfers and Discharges), Chapter 6 (Retirements) provides that to retire in a commissioned officer grade above the warrant officer grades, an officer must generally have at least 10 years of active service as a commissioned officer. A commissioned officer in the rank of major and below may voluntarily retire in the highest rank served satisfactorily on active duty for 6 or more months unless entitled by law to a higher grade.
5. Army Regulation 635-8 (Separation Processing and Documents) provides policy and procedural guidance relating to transition management. It consolidates the policies, principles of support, and standards of service regarding processing personnel for transition. The DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clearcut record of all current active, prior active, and prior inactive duty service at the time of REFRAD, retirement, or discharge. The DD Form 214 is not intended to have any legal effect on termination of a Soldier's service. Item 11 (Primary Specialty) will reflect the titles of all Military Occupational Specialties (MOS) or Areas of Concentration (AOC) awarded and held for at least 1

year during the current period of service and include for each MOS/AOC the number of years and months held.

//NOTHING FOLLOWS//