

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 February 2025

DOCKET NUMBER: AR20240006151

APPLICANT REQUESTS: Correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), ending on 18 July 2008 to show:

- Rank/grade of specialist (SPC)/E-4 vice private first class (PFC)/E-3
- award of the Expert Infantryman Badge

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 the documentation pertaining to award of the Expert Infantryman Badge could have gotten lost when the unit was disbanded and lost in transition. There were also two Soldiers with the same last name, so there could have also been a mix up. In reference to the rank of SPC/E-4, he was a PFC/E-3 in the Army National Guard (ARNG) and when he entered active duty he entered as a PFC/-3.
3. A review of the applicant's service record shows:
 - a. On 12 May 2004 he enlisted in the ARNG in the rank/grade of private (PVT)/E-1.
 - b. Orders Number 414103 issued by the Military Entrance Processing Station on 20 May 2004, ordered the applicant to Initial Active Duty for Training (IADT) with a reporting date of 18 January 2005.
 - c. Orders Number 231-1059 issued by the Texas Military Forces Land Component Command on 19 August 2005, discharged the applicant from the ARNG in the rank/grade of PVT/E-1 with an uncharacterized characterization of service, effective 16 May 2005.

d. National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service), ending on 16 May 2005 shows in:

- Item 5a (Rank): PV1
- Item 5b (Pay Grade): E-1
- Item 6 (Date of Rank): 17 January 2005
- Item 12 (Military Education): Not Applicable (N/A)
- Item 13 (Primary Specialty Number, Title and Date Awarded): N/A
- Item 15 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded this Period): N/A
- Item 23 (Authority and Reason): National Guard Regulation (NGR) 600-200 (Enlisted Personnel Management), paragraph 8-26b (3) Failure to meet medical procurement standards

e. On 22 February 2007, he enlisted in the Regular Army in the rank/pay grade of PVT/E-1.

f. His Enlisted Record Brief dated 14 May 2008 shows the Primary Military Occupational Specialty (PMOS) of 11B (Infantryman). Additionally, it shows in:

(1) Section III – Service Data:

- PVT/(E-1) – 22 February 2007
- Private/(E-2) – 22 August 2007
- PFC/(E-3) – 22 February 2008

(2) Section VIII – Awards and Decorations:

- National Defense Service Medal
- Army Service Ribbon

g. Orders Number 175-0020 issued by the Installation Management Command on 23 June 2008 discharged him from the Regular Army with an effective date of 3 July 2008, and reassigned him to the U.S. Army Transition Center.

h. Orders Number 185-0035 issued by the Installation Management Command on 3 July 2008 amended Orders Number 175-0020 to change his discharge of 3 July 2008 to 18 July 2008.

i. On 18 July 2008, he was honorably discharged from the Regular Army. His DD Form 214 shows in item:

- 4a (Grade, Rate or Rank): PFC

- 4b (Pay Grade): E-3
- 11 (Primary Specialty): 11B10 – Infantryman; 0 years, 11 months
- 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized):
 - National Defense Service Medal
 - Army Service Ribbon

4. The applicant does not provide, nor does his record contain any record that he was promoted to the rank/grade of SPC/(E-4). Additionally, he did not provide, nor does his record contain any record pertaining to award of the Expert Infantryman Badge.

BOARD DISCUSSION:


1. After reviewing the application, all supporting documents, the evidence found within the military record, and applicable policy, the Board found that relief was not warranted.
2. The Board carefully considered the applicant's contentions, his military record, the record of promotions, and the entries on his separation documents for rank and awards. The Board found no evidence and the applicant provided none to show he was eligible for, considered and recommended for promotion to SPC in accordance with AR 600-8-19 prior to his separation. The Board found no evidence, and other than his statement the applicant provided none, to show that he had completed the requirements for and been awarded the Expert Infantryman Badge. Based on a preponderance of evidence, the Board determined that the applicant's rank on his DD Form 214 and the absence of an EIB in his record were not in error or unjust.

BOARD VOTE:

Mbr 1	Mbr 2	Mbr 3	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XX:	XX:	XX:	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) 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 600-8-22 (Military Awards) states award of the Expert Infantryman Badge requires that an individual must have satisfactorily completed the prescribed proficiency tests while assigned or attached to an infantry unit of at least battalion size. To be eligible for testing and award of the Expert Infantryman Badge, a Soldier must be in an active status and must have an infantry or special forces specialty.
4. AR 600-8-19 (Enlisted Promotions and Reductions), in effect at the time, states promotions to Private (E-2), PFC, and SPC will be made automatically by the Total Army Personnel database for posting to the automated personnel file and the master

military pay file. ARNG and USAR Soldiers on IADT will not be promoted to SPC unless concurrence is obtained from the Soldier's reserve component unit. DA Form 4187 (Personnel Action) will be used for all USAR Soldiers and all ARNG Soldiers awaiting Initial Entry Training (special advancements and Split Training option-Phase II) and all advancements for Soldiers in a Title 10 status (including mobilization). DA Form 4187 will not be used for automatic advancements. Eligibility criteria for automatic promotion to Private (E-2), PFC, and SPC will be as follows:

- promotion to Private (E-2) requirement is 6 months' time in service (TIS)
- promotion to PFC requirements are 12 months TIS and 4 months' Time in Grade (TIMIG)
- promotion to SPC requirements are 24 months TIS and 6 months TIMIG
- Soldiers must not be flagged or barred from reenlistment

//NOTHING FOLLOWS//