

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 January 2025

DOCKET NUMBER: AR20240006417

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) ending 22 September 1967 to show sergeant (SGT)/E-5 vice specialist five (SP5).

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

- DD Form 149 (Application for Correction of Military Record)
- Applicant's statement
- Headquarters Fort Polk Letter of Commendation, 25 August 1967
- DD Form 214, ending on 22 September 1967

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:

a. He served his tour of duty at Fort Polk as a Noncommissioned Officer (NCO) instructor to trainees in the areas of combat first aid as well as CBR (Chemical, Biological and Radiological countermeasures) training. He served as an SGT/E-5, yet his DD Form 214 shows his rank as SP5. He respectfully requests that his DD Form 214 be changed to indicate his rank as SGT/E-5.

b. He has attached as a separate letter his support for this request. (1) His Military Occupational Specialty (MOS) was a Medic NCO with an "H" suffix indicating his duty as an NCO Instructor. (2) He has attached two letters of commendation, one from his lieutenant, and one from his Company Commander, both letters addressing him as SGT/E-5. (3) The commendation letter from his former captain states in reference to him, "I can truthfully say that I have served with one of the best NCO's the Army has to offer."

c. After returning home from active duty he completely misplaced his DD Form 214, only to find it recently while working on his will and burial instructions for his family. He was surprised to see the SP5 designation as his rank. He was always an NCO in the performance of his duties. He is approaching 80 years old with serious health issues. He is in the process of developing a will as well as his preferences for burial when that time comes. He would find it very comforting to know that his true rank SGT in the performance of his duties at Fort Polk is truly depicted on his DD Form 214 and eventually on his grave cover.

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

a. He was inducted in the Army of the United States on 23 September 1965. He completed training requirements and was awarded MOS 91A10 (Medical Corpsman).

b. DA Form 20 (Enlisted Qualification Record) shows in:

- item 33 (Appointments and Reductions) – his highest rank held was SP5/E-5 (Temporary)
- item 38 (Record of Assignments) – excellent conduct and efficiency ratings
- item 41 (Awards and Decorations) – No entry for the Army Good Conduct Medal

c. On 10 February 1967, Headquarters, Committee Group, Fort Polk, LA, published Special Order Number 25, which appointed the applicant to the temporary grade of specialist fifth class/E-5, MOS 91B30 (Medical Specialist).

d. On 13 February 1967, Headquarters and Headquarters Company (HHC) Committee Group Fort Polk published Unit Order Number 9, which appointed the applicant to the temporary acting NCO grade of "acting" SGT/E-5.

e. On 24 February 1967, Headquarters Fort Polk published Special Orders Number 050, which awarded the applicant MOS 91B30 and withdrew MOS 91B20, effective 10 February 1967.

f. On 3 March 1967, Headquarters Fort Polk published Special Orders Number 057, which awarded the applicant Primary MOS 91B3H (Medical Specialist NCO (Instructor)) and withdrew MOS 91B30.

g. On 30 August 1967, Headquarters Fort Polk published Special Orders Number 225, which released the applicant from active duty, effective 22 September 1967. The order shows his rank as SP5/E-5.

h. On 8 September 1967, Headquarters Fort Polk published General Orders Number 232, which amended General Orders Number 222 pertaining to award of the Army Good Conduct Medal (First Award) to the applicant by changing the first name to [REDACTED] vice [REDACTED]. The order shows his rank as SP5/E-5.

i. On 22 September 1967, the applicant was honorably released from active duty and was transferred to the U.S. Army Reserve (USAR) Control Group (Annual Training). He completed 2 years net active service. DD Form 214 shows in:

- Item 5a (Grade, Rate or Rank) – SP5 (Temporary)
- Item 5b (Pay Grade) – E-5
- Item 6 (Date of Rank (DOR)) – 10 February 1967
- Item 23a (Specialty Number and Title) – 91B3H, Medical Specialist
- Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) – No entry for the Army Good Conduct Medal

j. On 8 September 1971, the Office of the Adjutant General, USAR Components Personnel and Administration Center published Letter Order Number 09-1186951, which discharged the applicant from the USAR Control Group Standby, effective 22 September 1971. The order shows his rank as SP5.

4. In support of his request the applicant provides:

a. Headquarters Fort Polk Letter of Commendation dated 25 August 1967, which shows his rank as SGT.

b. HHC Committee Group Letter of Commendation dated 1 September 1967, which also shows his rank as SGT.

5. The Army discontinued the rank of SP5 in 1985. The Army structure at the time of the applicant's separation authorized the rank of SP5 and SGT. This was done to distinguish Soldiers who held leadership positions from those who held technical/administrative positions. Promotion to either specialist or noncommissioned officer status was determined by MOS. The standard of grade documentation at the time limited individuals in technical MOSs to the rank of SP5 upon promotion to pay grade E-5, and the applicant's MOS of 91B3H was considered a technical MOS.

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. Although there are some documents in the applicant's record reflecting the rank of SGT/E5, there is insufficient evidence to reflect the rank of SGT/E5 on the applicant's DD Form 214. Without knowing whether the promotion was temporary or permanent (NOTE: There is orders in the record reflecting temporary promotion) and the lack of any effective date for a promotion to SGT to annotate in block 6 of the DD Form 214, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's rank.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XXX	:XXX	:XXX	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. 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.
2. Prior to closing the case, the Board did note the administrative note below from the analyst of record and recommended those changes be completed to more accurately reflect the military service of the applicant.

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.

ADMINISTRATIVE NOTE(S):

1. Reference the enclosed request for correction of military records from the applicant to correct his DD Form 214 ending 22 September 1967. The Army Good Conduct Medal (First Award) should be added to item 24 of his DD Form 214.
2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.
 - General Orders Number 232 dated 8 September 1967, published by Headquarters Fort Polk
 - DD Form 214, 22 September 1967
 - DA Form 20

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) 600-200 (Enlisted Personnel Management), in effect at the time, prescribes policies, responsibilities, and procedures pertaining to career management of Army enlisted personnel. Chapter 7 (Promotion and Reduction), Section VII (Appointment of Acting Noncommissioned Officers (NCOs)), paragraph 7-52 (Appointment), provides that company, troop, battery, and separate detachment commanders may appoint qualified individuals as acting sergeants (E-5) to serve in position vacancies existing in their units at their present or higher grade, including those resulting from temporary absences of assigned NCOs. An acting NCOs status terminated upon reassignment to another unit, at the discretion of the unit commander who made the appointment, and upon assignment of a regularly-promoted NCO to the position.
3. AR 635-5 (Separation Documents), in effect at the time, prescribed policies and procedures regarding separation documents. It also established standardized policy for preparing and distributing the DD Form 214. It stated the purpose of a separation document was to provide the individual with documentary evidence of his or her military service at the time of separation.

a. Section III (Instructions for Preparation and Distribution of the Armed Forces of the United States Report of Transfer or Discharge) contained guidance for preparation of the DD Form 214.

b. It stated all available records would be used as a basis for preparation of the DD Form 214, including the Enlisted Qualification Record, Officer Qualification Record, and orders. The instructions for:

(1) Item 5a stated to enter the grade in which serving at the time of separation, indicating whether permanent or temporary (e.g., SP5 (P));

(2) Item 5b stated to enter the pay grade;

(3) Item 6 stated to enter the DOR for the grade shown in item 5a; and

(4) Item 30 stated the remarks section would be used to complete entries too long for their respective items. Specifically, if the grade shown in item 5 was not permanent, enter the permanent grade, date of appointment, and date of rank; otherwise, enter the date of appointment to the permanent grade.

//NOTHING FOLLOWS//