

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 January 2025

DOCKET NUMBER: AR20240006774

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) ending on 30 June 1995 to show –

- His rank as first sergeant (1SG)
- Date entered active duty as 26 June 1975

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

- DD Form 149 (Application for Correction of Military Record)
- Orders Number 255-00281, 12 September 1994
- DD Forms 214, ending on 30 June 1995
- DA Form 2-1 (Personnel Qualification Record - Part II)

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, in effect, he requests the correction of his DD Form 214 ending on 30 June 1995 to show his rank as 1SG vice master sergeant (MSG), and his date entered Active Duty as 26 June 1975. The rank and time served are incorrect. Finance knows he served for 20 years. He submitted a request for correction of his record to St. Louis twice before eventually being sent to the wrong place. He was denied and he gave up. They are wrong.

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

a. On 26 June 1975, DD Form 4 (Enlistment Contract – Armed Forces of the United States) shows he enlisted in the Regular Army (RA) for 4 years.

b. On 8 March 1978, he was honorably discharged for immediate reenlistment. DD Form 214 (Report of Separation from Active Duty) shows he completed 2 years, 7 months, and 13 days of net active service this period.

c. The applicant reenlisted in the RA on:

- 9 March 1978 for 6 years
- 17 December 1982 for 4 years
- 26 September 1986 for 3 years
- 27 June 1989 for 6 years

d. On 28 January 1993, the U.S. Total Army Personnel Command published Orders Number 14-11, which promoted the applicant to the rank/grade of MSG/E-8, effective 1 March 1993.

e. On 21 June 1993:

- DA Form 4187 (Personnel Action) shows he was laterally appointed to the rank of 1SG
- DA Form 2-1, item 35 (Record of Assignments) shows his principal duty was listed as "first sergeant" with A Company, 1st Battalion, 11th Infantry Regiment

f. On 3 June 1994, Headquarters, U.S. Army Infantry Center, Fort Benning, GA, published Orders Number 154-00202, which awarded the applicant Primary Military Occupational Specialty (MOS) 11H5ME9OO (Heavy Anti-Armor Weapons Infantryman) and Secondary MOS 63T5OP5OO (Bradley Fighting Vehicle System Mechanic), effective 3 June 1994.

g. DA Forms 2166-7 (Noncommissioned Officer (NCO) Evaluation Report) show the applicant was rated as a 1SG from July 1993 through June 1994 and Instructor/Writer from July 1994 through April 1995.

h. On 12 September 1994, Headquarters, U.S. Army Infantry Center, Fort Benning, GA, published Orders Number 255-00281, which retired the applicant, effective 30 June 1995, in the rank of 1SG/E-8, and placed him on the retired list, effective 1 July 1995. In pertinent part, the order shows:

- Statute Authorizing Retirement: Title 10, USC, Section 3914
- Voluntary Retirement: 20 years and 5 days
- Basic Pay: 20 years and 14 days

i. On 12 December 1994, DA Form 4240 (Data for Payment of Retired Army Personnel) shows the applicant provided information required to establish his retired pay account and listed his rank as 1SG.

j. On 30 June 1995, the applicant was honorably retired by reason of sufficient service for retirement. DD Form 214 shows in:

- Item 4a (Grade, Rate, or Rank) – MSG
- Item 11 (Primary Specialty) 11H5M
- Item 12a (Date Entered Active Duty This Period) – 9 March 1978
- Item 12b (Separation Date This Period) – 30 June 1995
- Item 12c (Net Active Service This Period) – 17 years, 3 months, and 22 days
- Item 12d (Total Prior Active Service) – 2 years, 8 months, and 13 days

#### 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. Based upon the available documentation, the Board made the following findings related to the requested relief:

- Rank as first sergeant (1SG): PARTIAL GRANT, although the available documents show the applicant held the rank of 1SG, based upon the available documents showing the applicant's last NCOER was rated as a MSG and the information reflected on the DD Form 214 showing the conditions at the time of separation, the Board concluded the current rank reflected is correct. As a result of the applicant previously holding the rank of 1SG and the information reflected on the applicant's retirement order, the Board recommended adding in Block 18 (REMARKS) of the DD Form 214 the language, "SM retired in the rank of 1SG."
- Date entered active duty as 26 June 1975: DENY, based upon the period of service in which the applicant began his military service and the regulatory guidance prior to 1980 which provided a DD Form 214 for each period of service, and the information currently reflected on his DD Form 214 showing prior service of 2 years, 8 months and 13 days, the total military service is accurately annotated showing the applicant started his military service on 26 June 1975.

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by adding the following additional statement to block 18 (Remarks) of his DD Form 214: "SM retired in the rank of 1SG."
2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to all other requested relief not reflected above.

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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) 635-5 (Personnel Separations – Separation Documents) prescribes the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service or control of the Army. It establishes standardized policy for preparing and distributing DD Form 214. Chapter 2 (Separation Document Preparation), Section I (DD Form 214) states, ensure that all information entered on DD Form 214 and other separation documents is accurate. Table 2-1 (DD Form 214 Preparation Instructions) state for:

- item 4a (Grade, Rate, or Rank) to enter Active Duty grade or rank at time of separation
- item 12a (Date Entered Active Duty This Period) to enter the beginning date of the enlistment period or tour of Active Duty for which a DD Form 214 was not issued under paragraph 1-4b(5)

3. AR 635-200 (Personnel Separations Enlisted Personnel) in effect at the time in paragraph 12-17 (Grade title on retired list of former first sergeants) states Noncommissioned officers holding the grade of master sergeant, at retirement, whose records show successful service as first sergeant, will be placed on the retired list in the grade title " first sergeant."

The following are the only criteria for such placement on the retired list:

- The soldier must be serving in, and retiring in grade of MSG
- The soldier must possess Special Qualification Identifier" M"
- The soldier must have served as first sergeant in the grade of MSG
- No minimum time period is specified
- Service in the duty position of first sergeant while in grade SFC does not meet this requirement

//NOTHING FOLLOWS//