

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 April 2025

DOCKET NUMBER: AR20240006966

APPLICANT REQUESTS: correction to his DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 19 October 1984 to reflect sergeant (SGT) vice specialist five (SP5)/E-5.

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

- DD Form 149 (Application for Correction of Military Record)
- Certificate of Promotion to the rank of specialist 4 (SP4), 1 May 1983
- DA Form 1059 (Service School Academic Evaluation Report), 6 October 1983 to be addressed in the service record
- Letter of Commendation, 29 December 1983, showing his rank as SGT, for selection as Noncommissioned Officer (NCO) of the month for December 1983
- Letter of Commendation, 29 December 1983, showing his rank as SGT, for selection as NCO of the quarter
- Orders Number 15-32, 23 January 1984, to be addressed in the service record
- Certificate of Promotion to the rank of SGT, 1 February 1984
- Letter of Appreciation, 28 February 1984, showing his rank as SGT, for outstanding job performance
- Army Good Conduct Medal for the period of 20 October 1981 – 19 October 1984, certificate showing his rank as SGT
- DD Form 214, ending 19 October 1984 to be addressed in the service record
- DA Form 2166-6 (Enlisted Evaluation Report), 28 February 1986 showing his rank of SGT while serving in the U.S. Army Reserve (USAR)
- DARP Form 249 (Chronological Statement of Retirement Points), dated 18 September 1987 showing his service in the USAR in the rank of SGT
- Honorable Discharge Certificate, 19 October 1987, showing his rank as SGT
- Congressional Privacy Act Release Form authorizing Congressman N-L- to act on his behalf
- Army Review Boards Agency Congressional Liaison email correspondence confirming receipt and processing of the applicant's request

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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 part:

- He was promoted from the rank of SP4 to SGT/E-5 and never wore the rank of SP5
- He was recognized by his unit as an SGT in uniform and in paperwork
- His rank was changed to SP5 upon separation from service in 1984
- He would like his rank to reflect the same as he was wearing while serving

3. A review of the applicant's available service record reflects the following:

- On 20 October 1981, he enlisted in the Regular Army
- DA Form 2-1 (Personnel Qualification Record – Part II), Block 18 (Appointments and Reductions) shows his date of rank as follows:
 - Private, effective 20 October 1981
 - Private PV2, effective 20 April 1982
 - Private First Class, effective 20 June 1982
 - SP4, effective 1 May 1983
 - SP5, effective 16 January 1984
- DA Form 1059, dated 6 October 1983 shows he attended and completed the Primary Leadership Course from 2 - 29 September 1983 in the rank of SP4
- Orders Number 15-32, dated 23 January 1984, was issued promoting him to the rank of SGT with a retroactive effective date of 16 January 1984
- Orders Number 53-35, dated 16 March 1984 was issued amending Orders Number 15-32 changing his promotion from SGT to SP5
- DA Form 2166-6, dated 3 May 1984 shows his initial rating period of February - April 1984 in the rank of SP5 with the highest ratings in all categories
- DD Form 214, ending 19 October 1984 reflects an honorable release from active duty with service from 20 October 1981 to 19 October 1984 for a net active service of 3 years; item 4a (Grade, Rate or Rank) shows SP5

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. One potential outcome discussed was to grant relief based upon the initial order promoting the applicant to SGT/E5. However, based upon the available evidence showing the initial order was amended by promoting the applicant to SP5 (vice SGT), the Board concluded there was insufficient evidence of an error or injustice warranting a correction to the applicant's rank.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

//SIGNED//

X

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, U.S. Code, 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 (Separation Documents) in effect at the time, provides the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service or control of the Army. For Block 4a (Grade, Rate or Rank) and Block 4b (Pay Grade) to enter the active duty grade and pay grade at the time of separation, respectively.
3. AR 600-20 (Army Command Policy) dated 20 August 1986 eliminated the ranks of specialist five through specialist seven leaving only specialist four.

//NOTHING FOLLOWS//