

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 April 2025

DOCKET NUMBER: AR20240006994

APPLICANT REQUESTS: the spouse of deceased Service Member (SM) requests correction of SM's DD Form 214 (Certificate of Release or Discharge from Active Duty) ending on 31 January 1998, to show the SM was placed on the retired list in the rank/grade of command sergeant major (CSM)/E-9.

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

- DD Form 149 (Application for Correction of Military Record)
- Certificate of Marriage dated 21 March 2016, showing she married the SM on 19 March 2016
- DA Form 638 (Recommendation for Award) dated 12 May 1997, which states, SM was assigned as CSM from 1996 -1997
- Meritorious Service Medal certificate dated 15 July 1997, stating the SM's responsibilities culminated as the CSM for Area 1 Support Activity
- Certificate of Death dated 2 January 2024, which shows, the SM's date of death as 7 December 2023
- Applicant's letter to the Army Review Boards Agency dated 2 June 2024, stating she is the widow of the SM
- Affidavit for Correction, which is blank

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:

- She is the widow of the SM
- SM's last DD Form 214 is dated in 1995 [sic] at the rank of SGM; however, he continued to serve until most of 1998
- During this time, SM was promoted to the rank of CSM; however, this is not noted in his records or DD Form 214

- SM passed away in 2023 and she feels his records should be accurate because this was a great accomplishment
- SM deserves to have his service record corrected

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

- On 8 October 1974, the SM enlisted in the Regular Army; he served continuously until he was retired
- DA Form 2-1 (Personnel Qualification Record) shows in:
 - item 18 (Appointment and Reductions), the highest rank the SM held was SGM with a date of rank of 1 June 1995
 - item 35 (Record of Assignments), from on or about 20 September 1996 to 31 May 1997 the SM's principal duty was CSM
- On 8 May 1995, Orders Number 128-3 promoted the SM to the rank/grade of SGM/E-9, effective 1 June 1995
- DA Form 2166-7 (NCO Evaluation Report) shows the SM was rated as a CSM for the period of September 1996 to May 1997 and the SM received favorable ratings; in pertinent part, Part V (Overall Performance and Potential) states "lateral appoint immediately to Command Sergeant Major"
- On 10 December 1997, Orders Number 344-0007 retired the SM, effective 31 January 1998, and placed him on the retired list, in the rank of SGM, effective 1 February 1998
- On 31 January 1998, the SM was retired by reason of sufficient service for retirement; DD Form 214 shows he completed 19 years, 4 months, and 16 days net active service this period with 3 years, 11 months, and 7 days total prior active service; item 4a (Grade, Rate, or Rank) shows SGM

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the former SM's military records, the Board found that relief was warranted. The Board carefully considered the former SM's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy, and regulation. Upon review of the applicant's petition and the former SM's, the Board determined the former SM served honorably in the rank/grade of CSM with no indication he was removed from his position or that he had disciplinary actions against him. In addition, the Board noted that he served his last assignment in the rank/grade of CSM/E9. Therefore, the Board concluded the applicant should be retired in the rank/grade of CSM/E9 and granted relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:XXX	:XXX	:XXX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by:

- Amending his DD Form 214 for the period ending 31 January 1998 to show:
 - Rank: CSM
 - Pay Grade: E9
 - Grade Effective Date: 20 September 1996
 - Awards: Add the Korea Defense Service Medal
- Amending Orders Number 344-0007, dated 10 December 1997 to show he retired effective 31 January 1998, and placed him on the retired list, in the rank of CSM, effective 1 February 1998

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, 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) 15–185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the Army Board for Correction of Military Records (ABCMR). In pertinent part, it states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. The ABCMR will decide cases based on the evidence of record. It is not an investigative agency.

3. AR 635-200 (Personnel Separations - Enlisted Personnel), in effect at the time, sets policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Paragraph 12-16 (Grade title on retired list of former command sergeants major) states:

a. Noncommissioned officers holding the grade of sergeant major, at retirement will be placed on the retired list in the grade title "command sergeant major" if (1) They were released from the Command Sergeants Major Program on or after 13 July 1967 only because of an assignment limiting physical condition incurred in the line of duty. (This includes Soldiers who voluntarily request release for this reason) (2) They served satisfactorily as command sergeants major.

b. Soldiers released from the Command Sergeants Major Program because of the following reasons cannot be placed on the retired list in the grade title of command sergeant major. When information in field records is insufficient to determine the Soldier's eligibility for such grade title, inquiry will be made to Headquarters, Department of the Army (HQDA).

- Soldiers released because of inadequate performance of duty
- Soldiers who voluntarily withdrew for reasons other than indicated in a above
- Soldiers holding grade master sergeant (MSG)/first sergeant (1SG) or below on date of retirement

c. Retirement orders on eligible Soldiers will show active duty as sergeant major, and placement on the retired list as CSM.

4. AR 635-5 (Personnel Separations – Separation Documents), in effect at the time, DD Form 214 preparation instructions stated, for:

a. Block 4a (Grade, Rate, or Rank) to enter active duty grade or rank at time of separation.

b. Block 18 (Remarks) to use this block for entries required by HQDA for which a separate block is not available and for completing entries that are too long for their blocks.

//NOTHING FOLLOWS//