

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 March 2025

DOCKET NUMBER: AR20240007512

APPLICANT REQUESTS: correction of DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending on 6 October 1999 to reflect the following:

- Rank – staff sergeant (SSG)/E-6 rather than sergeant (SGT)/E-5
- Service in Bosnia from 1997-1998

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

- DD Form 149 (Application for Correction of Military Record)
- Orders Number 118-301, 28 April 1999
- Certificate of Promotion, 1 May 1999

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20230010189 on 1 May 2024.
2. The applicant states in pertinent part that his DD Form 214 is incorrect as it does not accurately reflect his rank at the time of separation as SSG or his service in the Bosnia from 1997-1998.
3. A review of the applicant's available service records reflects the following:
 - a. On 2 May 1984, the applicant enlisted in the Regular Army with duty as a 19E (M48/M60 Armor Crewman).
 - b. On 1 December 1985, the applicant was advanced to specialist (SPC)/E-4.
 - c. On 2 March 1987, the applicant was honorably released from active duty and transferred into the U.S. Army Reserve (USAR).
 - d. On 6 May 1988, the applicant reenlisted in the Regular Army.

e. On 26 August 1992, the 177th Personnel Service Company issued Orders Number 200-12 announcing the applicant's promotion to SGT effective 1 September 1992.

f. On 28 April 1999, the 15th Personnel Services Battalion issued Orders Number 118-301, announcing the applicant's promotion to SSG effective 1 May 1999.

g. On 11 August 1999, the applicant received Nonjudicial Punishment (NJP) under Article 15 of the Uniformed Code of Military Justice (UCMJ) for the wrongful use of marijuana in violation of Article 112a, UCMJ. The applicant was reduced to SGT, required to forfeit \$922.00 for 2 months, restricted and required to perform 45 days of extra duty.

h. On 20 August 1999, the applicant's company commander-initiated separation action in accordance with Army Regulation (AR) 635-200 (Administrative Separations – Enlisted Personnel), Chapter 14, paragraph 14-12c. due to his wrongful use of marijuana.

i. On 13 September 1999, the Brigade Commander directed that the applicant be discharged in accordance with AR 635-200, Chapter 14, paragraph 14-12c. for commission of a serious offense.

j. On 6 October 1999, the applicant honorably discharged from military service due to misconduct. DD Form 214 reflects the following:

- Item 4a./b. (Grade Rate or Rank/Pay Grade) – SGT/E-5
- Item 12f. (Foreign Service) – 8 years 6 months 25 days
- Item 12h. (Effective Date of Pay Grade) – 11 August 1999
- Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) –
 - Army Achievement Medal (5th award)
 - Army Good Conduct Medal (4th award)
 - National Defense Service Medal
 - Noncommissioned Officer's Professional Development Ribbon
 - Army Service Ribbon
 - Overseas Service Ribbon
 - North Atlantic Treaty Organization (NATO) Medal
 - Expert Marksmanship Badge (w/ Rifle Bar)
 - Drivers and Mechanics Badge (w/ Drivers T- Bar)
- Item 28 (Narrative Reason for Separation) – Misconduct

4. On 1 May 2024, Docket Number AR20230010189 the board denied the applicant's request for correction of his DD Form 214 to reflect his service in Bosnia noting that his records were absent of sufficient evidence showing any tours in Bosnia. The Board agreed, the burden of proof rests with the applicant to provide evidence of a clear and convincing nature with documentation to support the applicant's contentions showing combat service in Bosnia as well as any awards and decorations.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation, and published Department of Defense guidance for liberal and clemency determinations requests for upgrade of his characterization of service. Upon review of the applicant's petition and available military records, the Board determined the applicant was promoted to SSG effective 1 May 1999; however, he received nonjudicial punishment under Article 15, UCMJ, on 11 August 1999 for wrongful use of marijuana, resulting in a reduction in rank to sergeant (SGT)/E-5. His DD Form 214 appropriately reflects this reduction, listing his rank at the time of separation as SGT/E-5 with an effective date of pay grade matching the date of NJP. Therefore, the Board determined that the rank recorded on the DD Form 214 is accurate and reflects the conditions as they existed at the time of discharge.

2. The Board determined the applicant's contentions were previously reviewed under Docket Number AR20230010189 and found no supporting documentation in the available service record to verify deployment or duty in Bosnia. The Board reiterates that the burden of proof rests with the applicant to provide clear and convincing evidence of foreign service, including official orders, deployment records, or award citations specific to Bosnia. In the absence of such documentation, the Board found no basis to amend the DD Form 214 to reflect service in Bosnia. The Board found the applicant's DD Form 214 accurately reflects his rank and service at the time of separation. Therefore, the Board denied relief.

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:

The Board found 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 to amend the decision of the ABCMR set forth in Docket Number AR20230010189 on 1 May 2024.

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. Army Regulation 635-5 (Separation Documents) establishes the standardized policy for preparing and distributing the DD Form 214. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service. Chapter 2 contains guidance on the preparation of the DD Form 214. DD Form 214, item 4a./b. (Grade, Rate or Rank/Pay Grade) will reflect the active duty grade or rank and pay grade at time of separation from Enlisted Record Brief. DD Form 214, item 18 (Remarks) for active-duty Soldiers deployed with his or her unit during this continuous period of active duty, will reflect "Service in (Name of Country Deployed) from (Inclusive Dates)."

2. Army Regulation (AR) 15-185 (ABCMR) paragraph 2-9 states 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.

//NOTHING FOLLOWS//