

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 February 2025

DOCKET NUMBER: AR20240007573

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to reflect his promotion to the grade E5.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record).

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 he took the promotion test for E5 prior to his departure from Vietnam in or around January through February 1972. He was in the top ten percent and he would have been promoted. His first sergeant (1SG) told him that his orders would follow him back to the United States. After several months at Hunter Army Airfield, he inquired with his new 1SG, but it seemed that he did not care. After inquiring several times, the 1SG yelled at him to stop bothering him about the promotion. If you look at his records, he was in the top three in everything that he completed. He requests correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to reflect his promotion to the grade E5 because it his right and it would show an appreciation for his service to the county.
3. A review of the applicant's service record shows:
 - a. On 28 October 1970, he enlisted in the Regular Army (RA) in the rank/grade private/E1.
 - b. DA Form 20 (Enlisted Qualification Record) shows in Item 33 (Appointments and Reductions) the applicant was advanced to:
 - private two/E2 effective 28 February 2917
 - specialist four (SP4)/E4 effective 14 April 1971

- c. On 2 November 1970, the applicant extended his enlistment in the RA for 1-year.
- d. On 14 April 1972, Special Orders Number 82, issued by the U. S. Army Ordnance Center and School, the applicant was advanced to the rank/grade SP4/E4 effective 14 April 1971 with the same date of rank.
- e. On 6 August 1973, Special Orders Number 158, issued by Headquarters, Fort Stewart, the applicant was assigned to the U.S. Army Transfer Point effective 4 September 1973. The orders shows the applicant's rank was SP4/E4.
- f. On 4 September 1973, the applicant was honorably released from active duty and assigned to the U. S. Army Reserve (USAR) Control Group (Annual Training). DD Form 214 shows the applicant completed 2-years, 10-months and 7-days of active service. It also shows in items:
- 5a (Grade, Rate, Rank): SP4
 - 5b (Pay Grade): E4
 - 6 (Date of Rank): 14 April 1971
- g. On 22 September 1976, Orders Number 09-1171544, issued by the Office of the Adjutant General Reserve Components Personnel and Administration Center, the applicant was honorably discharged from the USAR effective 27 October 1976.
- h. The applicant's service record is void of evidence of his appearance before the promotion selection board.

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, 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 review based on law, policy, and regulation. The Board noted the applicant's contention that he took the promotion test for E5 prior to departing Vietnam in early 1972 and was informed by his first sergeant that promotion orders would follow him to his next duty station. He contends that he was among the top performers and should have been promoted. However, the Board concluded there was insufficient evidence in the applicant's service record to show the applicant was promoted above the rank/grade of SP4 and therefore denied relief.
2. Prior to closing the discussion, the Board reviewed and concurred with the administrative notes below.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XX	:XX	:XX	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.



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):

Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 (Armed Forces of the United States Report of Transfer of Discharge) for the period of service of October 28, 1970 through September 4, 1973, by adding in Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) three bronze service stars to the previously awarded Vietnam Service Medal and the Republic of Vietnam Gallantry Cross with Palm Unit Citation.

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) 600-200 (Enlisted Personnel Management System) in effect at the time, prescribes policies, responsibilities and procedures pertaining to career management of Army Enlisted Personnel.

a. Paragraph 7-4 the promotion of enlisted personnel to grade E3 through E9, appointments, grade reductions and grade restorations will be announced in routine orders.

b. Paragraph 7-15 (Eligibility and selection criteria), individuals recommended for promotion to the pay grades E5 or E6 will be required to appear in person for selection board evaluation. Appearance before a local selection board is authorized for selection to E5, board appearance will not be earlier than 33-months in the primary zone and 21-months in the secondary zone and promotable not earlier than 36-months in the primary zone and 24-months in the secondary zone.

//NOTHING FOLLOWS//