

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 April 2025

DOCKET NUMBER: AR20240009090

APPLICANT REQUESTS: correction of his record to show he was considered for promotion to the rank/grade of master sergeant (MSG)/E-8. A personal appearance before the Board via video or telephonically.

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

- DD Form 149 (Application for Correction of Military Record)
- List of enclosures showing documents provided to the Board
- Self-authored Statement wherein the applicant provides his history of his service and biases he experienced (the entire document is provided in the supporting documents for the Board's review)
- 25 pages of Official Military Personnel File
- Four letters of support attesting to the applicant's professionalism, being an asset to the organization, and dedication

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 is seeking remedy for injuries suffered due to his denial of promotion to MSG/E-8
- In his last six months of service, he was ordered not to be seen in the Army uniform, show up for physical training, or any unit activity
- The Judge Advocate General, his chain of command would not return his calls
- The Army he joined applied laws and regulations without bias and prejudice, with the Army's directive of having to fill certain sex, gender and ethnic positions top the senior Noncommissioned Officer (NCO) ranks

- He suffered vicious attacks, humiliation though command and staff as well as verbal attacks against his person, character and professionalism, which called his devotion to duty, readiness preparedness, leadership abilities into question

3. A review of the applicant's official record shows the following:

- On 26 June 1972, the applicant enlisted in the Regular Army and served continuously until his length of service retirement
- DA Form 2-1 (Personnel Qualification Record):
 - Item 17 (Civilian Education and Military Schools) shows the applicant completed the primary leadership course in 1983, advanced NCO education system in 1984, and the first sergeant/unit administration course in 1985
 - item 18 (Appointments and Reductions) shows the applicant had normal promotion advancement culminating in his promotion to sergeant first class (SFC)/E-7 on 11 February 1986
 - item 27 (Remarks) is void of an entry for referral of his record to the Department of the Army MSG selection board
- On 30 June 1991, Orders Number 181-201 released the applicant from active duty and on 1 July 1992 placed him in the retired list in the rank/grade of SFC/E-7
- On 30 June 1992, the applicant was honorably retired from active duty by reason of sufficient service for retirement and transferred to the U.S. Army Reserve Control Group (Retired Reserve), DD Form 214 (Certificate of Release or Discharge from Active Duty) shows in:
 - item 4a (Grade, Rate or Rank) SFC
 - item 4b (Pay Grade) E-7
 - item 12h (Effective Date of Pay Grade) 1 March 1986

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 failing to corroborate any of the statements of the applicant and the applicant failing to provide such evidence, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's record.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XXX	: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) 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. AR 600-200 (Enlisted Personnel Management) in effect at the time states objectives of the Army promotion system are to fill authorized enlisted spaces with qualified Soldiers. Provide for career progression and rank which is in line with potential. Recognize the best qualified Soldier which will attract and retain the highest caliber Soldier for a career in the Army. Preclude promoting the Soldier who is not productive or not best qualified. Provide an equitable system for all Soldiers. For promotion to SFC, master sergeant and sergeant major, the promotion authority is Headquarters Department of the Army (HQDA). HQDA will publish orders announcing promotions to grades E-7 through E-9.

4. AR 635-5 (Separation Documents) in effect at the time prescribes the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service or control of the Army. Source documents will consist of DA Form 2-1 and any other available record. Item 4a/b enter active duty grade of rank and pay grade at the time of separation. Item 12h enter the effective date of promotion to pay grade.

//NOTHING FOLLOWS//