

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 March 2025

DOCKET NUMBER: AR20240009448

APPLICANT REQUESTS: Correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), ending on 20 March 1993, to show his rank/grade as specialist (SPC)/E-4 vice private first class (PFC)/E-3.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, ending 20 March 1993
- Orders Number C-03-807733
- Orders Number D-11-872477

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 was promoted to SPC/E-4 and he would like his DD Form 214 to be corrected to reflect the promotion.
3. A review of the applicant's service record shows:
 - a. He enlisted in the Regular Army on 8 November 1990.
 - b. His DA Form 2-1 (Personnel Qualification Record – Part II) shows in item 18 (Appointments and Reductions):
 - Private (PV1)– 8 November 1990
 - Private (PV2) – 1 June 1991
 - PFC – 8 November 1991

c. Orders Number 28-8 issued by Headquarters, 6th Infantry Division (Light) and U.S. Army Garrison, Alaska on 11 February 1993, released him from active duty with an effective date of 20 March 1993. The orders show his rank/grade as PFC/E-3.

d. On 20 March 1993, he was honorably released from active duty. His DD Form 214 shows he completed 2 years, 4 months, and 13 days of active service. It also shows in item 4a (Grade, Rate or Rank) "PFC," and in item 4b (Pay Grade) "E-3." He was reassigned to the U.S. Army Reserve Control Group (Annual Training).

4. The applicant provides:

a. Orders Number C-03-807733, issued by the U.S. Army Reserve Personnel Command on 3 March 1998 that released him from the USAR Control Group (Annual Training), effective 3 March 1998.

b. Orders Number D-11-872477, issued by the U.S. Army Reserve Personnel Command on 10 November 1998, that honorably discharged him from the USAR.

5. The applicant's record does not contain, nor did he provide, any documentation that shows he held the rank/grade of SP4/E-4 at the time of his separation.

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. One potential outcome was to grant relief based on applicant meeting the timeline for promotion to specialist. However, upon review of the applicant's petition and available military records, the Board majority found the applicant enlisted in the Regular Army on 8 November 1990 and was honorably released from active duty on 20 March 1993. His DA Form 2-1 documents promotions through the rank of PFC/E-3, effective 8 November 1991. The Board determined, there is no evidence in the available record, including separation orders or personnel documents, to confirm a promotion to SPC/E-4 prior to his discharge. Orders Number 28-8, dated 11 February 1993, and his DD Form 214 both list his rank/grade at separation as PFC/E-3.

2. The Board acknowledged the applicant's belief that he was promoted, in the absence of official documentation verifying the rank of SPC/E-4 at the time of separation precludes correction of his DD Form 214. Therefore, the Board determined that the applicant has not demonstrated by a preponderance of evidence that an error or injustice occurred, and relief is denied.

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.

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, USC, 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 begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct. The ABCMR is

not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. AR 600-200 (Enlisted Personnel Management System), in effect at the time, states criteria for promotion to E-4 is 24 months time in service which may be waived to 12 months. Time in grade as an E-3 is 6 months and may be waived to 3 months.

4. AR 635-5 (Separation Documents), in effect at the time, states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. In The Military Personnel Records Jacket (MPRJ), U.S. Army (MPRJ), Official Military Personnel Files (OMPF), DA Forms 2 and 2-1 (Personnel Qualification Record) are the basic source documents. Item 4a; enter the rank in which serving at the time of separation.

//NOTHING FOLLOWS//