

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 April 2025

DOCKET NUMBER: AR20240009992

APPLICANT REQUESTS: correction of DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending on 1 July 1981 to reflect sergeant (SGT)/E-5 rather than specialist four (SP4)/E-4.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 2496 (Disposition Form), 25 March 1981 – appointing the applicant to Acting Sergeant / E-5, effective 1 March 1980

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 pertinent part that his DD Form 214 is incorrect as it does not accurately reflect his rank upon discharge as SGT/E-5.
3. A review of the applicant's available service records reflects the following:
 - 5 July 1978 – enlisted in the Regular Army for 3 years
 - 1 March 1980 (Orders Number 44-004) – promoted the applicant to SP4, effective 1 March 1980
 - 18 May 1981 (Orders Number 94-12) – reassigned the applicant to the U.S. Army Separation Transfer Point at the rank of SP4 pending separation processing
 - 1 July 1981 – honorably released from the Regular Army at the rank of SP4 and transferred into the U.S. Army Reserve (USAR) Control Group (Reinforcement)
 - 25 November 1983 (Orders Number D-11-049698) – honorably discharged the applicant from the USAR at the rank of SP4, effective 12 December 1983

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 provided documentation showing the rank of "ACTING" SGT and the applicant's military record failing to show he was promoted to any rank higher than SP4 during his period of military service, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's military 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) 600-200 (Enlisted Personnel Management) in effect at the time, provides the policies and procedures for promotions and reductions in grade. Section III (Promotion to Pay Grades E-5 and E-6) provides that to be eligible for promotion to SGT, service members must have 8 months time-in-grade as a SPC and 24 months (secondary zone)/36 months (primary zone) time-in-service.

a. Paragraph 2-41 (General) provides that lateral appointments will be announced in orders.

b. Section VI (Appointment of Acting Noncommissioned Officers) provides that Company, troop, battery, and separate detachment commanders may appoint qualified Soldiers as acting corporals / E-4, and sergeants /E-5. They will serve in vacant positions in their units at their present or higher grade. Acting NCOs are not entitled to pay and allowances for such higher grades. Appointment of acting NCOs will be announced on DA Form 2496 (Disposition Form). An acting NCO's status will automatically terminate as follows:

- on assignment of a regularly promoted NCO to the position
- when casual groups reach their destination
- on reassignment from Drill Sergeant Duties
- on reassignment to another unit

3. AR 635-5 (Separation Documents) prescribes the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service or control of the Army. It establishes standardized policy for preparing and distributing DD Form 214 (Certificate of Release or Discharge from Active Duty). DD Form 214, item 4a./b. (Grade, Rate or Rank/Pay Grade) will reflect the service members active-duty grade of rank and pay grade at the time of separation.

//NOTHING FOLLOWS//