

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 April 2025

DOCKET NUMBER: AR20240010519

APPLICANT REQUESTS:

- correction of DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending on 5 September 2006 to reflect the rank of specialist (SPC)/E-4 rather than private first class (PFC)/E-3
- correction of National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service) for the period ending on or about 31 January 2008 to reflect the rank of corporal (CPL)/E-4 rather than SPC

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

- DD Form 149 (Application for Correction of Military Record)
- Department of Defense Military Service Information – reflective of service in the Regular Army from 17 August 2004 – 5 September 2006; rank-SPC; service in the Army National Guard (ARNG) from 12 January 2007 – 31 January 2008; rank CPL
- SGLV Form 8286 (Servicemembers Group Life Insurance Election and Certificate), 12 January 2007 – reflective of the applicant election of beneficiary options; rank of SPC

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:
 - she was released from active-duty on 5 September 2006 at the rank of SPC
 - she was discharged from the ARNG on 31 January 2008 at the rank of CPL
3. The applicant requests the correction of NGB Form 22. NGB Form 22 is prepared by the state adjutant and does not fall under the purview of the Board. The applicant will

have to seek correction of her NGB Form 22 through his state adjutant. The Board will not consider that portion of her request.

4. A review of the applicant's available service records reflects the following:

- On 17 August 2004 – the applicant enlisted in the Regular Army for 3 years at the rank of private (PVT)/E-1
- On 17 August 2005 – the applicant was advanced to the rank of PFC
- On 29 August 2006 (Orders Number 241-0602) – reassigned the applicant to the U.S. Army transition point pending separation processing in accordance with Army Regulation (AR) 635-200 (Active Duty Enlisted Administrative Separations), Chapter 5, paragraph 5-8 (Parenthood) at the rank of PFC
- On 5 September 2006 – the applicant was honorably discharged from military service at the rank of PFC
- On 12 January 2007 – the applicant enlisted in the ARNG at the rank of SPC
- On or about 27 November 2007 – a separation action was initiated due to unsatisfactory participation because of accumulating 9 or more unexcused absences within a 1-year period; applicant referred to in the rank of SPC
- On 19 February 2008 (Orders Number 050-878) – discharged the applicant from the ARNG and assigned her to the U.S. Army Reserve Control Group (Reinforcement) on 19 February 2008, at the rank of SPC in order to complete her remaining service obligation

5. The applicant did not provide nor does review of her available service records reflect an NGB Form 22 or NGB Form 56A (General Discharge Certificate).

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. Upon review of the applicant's petition and available military records, the Board determined her record is absent evidence that shows she was promoted to specialist (SPC)/E-4 prior to her release from active duty on 5 June 2006 and subsequent release from the Army National Guard. The Board noted her service record was void of a DA Form 4187 (Personnel Action) used as the promotion instrument for decentralized promotions from E-1 through E-4.

2. The Board also noted the correction of her NGB Form 22 is a function of the State Adjutant General and does not fall under the purview of the Board.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

: : : GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

■ ■ ■ DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. 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.
2. The applicant is advised to seek correction of her NGB Form 22 with the appropriate State Adjutant.

4/16/2025

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. AR 635-5 (Separation Documents) provides that the DD Form 214 will reflect the conditions and circumstances that existed at the time the records were created. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form be complete and accurate and reflects the conditions as they existed at the time of separation. All available records will be used as a basis for the preparation of DD Form 214, including DA Form 2-1 (Personnel Qualification Record), Enlisted Record Brief and orders. Item 4a./b. (Grade, Rate or Rank/Pay Grade) will reflect the service members rank at the time of separation from active duty as reflected on the Enlisted Record Brief.
3. National Guard Regulation 600-200 (Enlisted Personnel Management) provides that an NGB Form 22 (Report of Separation and Record of Service) will be prepared for every Soldier being separated from the ARNG or released from the custody and control of the military, unless the Soldier is being discharged for the purpose of immediate reenlistment, executes an interstate transfer, or the Soldier dies. NGB Form 22, item 5a./b. (Rank/Grade of Rank) will reflect the three-letter grade of rank and pay grade as recorded on the DA Form 2-1. An NGB Form 56a (General Discharge Certificate) is issued to Soldiers who are separated from the ARNG only, who revert to the control of the Army Reserve, and whose separation from such service are Under Honorable Conditions, but whose military records are not sufficiently meritorious to warrant an Honorable separation.
4. 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//