

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 September 2025

DOCKET NUMBER: AR20240011507

APPLICANT REQUESTS: the spouse of the deceased service member (SM) requests correction of the SM's DD Form 214 (Report of Separation from Active Duty), item 6a (Grade, Rate or Rank) and 6b (Pay Grade) to show the rank/grade of major (MAJ)/O-4 instead of captain (CPT)/O-3.

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

- DD Form 149 (Application for Correction of Military Record)
- Computation of Officer's Service (SM), dated 11 September 1978, which shows in:
 - Item 20 (Army of the United States Grade and Date of Promotion) – "CPT 8 Feb 71"
 - Item 22 (Dates of Promotion and Promotion Letter) – "MAJ 7 Feb 78"
- DA Form 3713 (Data for Retired Pay) dated 18 September 1978, which shows in:
 - Item 1a (Last Name – First Name – Middle Name) – [SM]
 - Item 2 (Active Duty Grade) – CPT
 - Item 3 (Retired Grade) – MAJ
 - Item 8 (Highest Grade Attained) – MAJ
 - Item 9 (Permanent Grade) – MAJ
 - Item 10 (Retired Pay Grade) – MAJ
 - Item 17 (Date Placed on Retired List) – 1 March 1979
 - Item 18 (Component of Retired Pay Grade) – USAR
 - Item 19 (Separation Program Number) – RBD (Required Service for Retirement)
 - Item 20 (Statute Authorizing Retirement) – Title 10, USC, Section 3911
 - Item 21 (Statute Authorizing Retired Grade) – Title 10, USC, Section 3961
- Orders Number S181-8 dated 18 September 1978, which retired the SM, effective 28 February 1979, and placed him on the retired list, in the rank of MAJ, on 1 March 1979; the order shows his rank at that time was CPT

- DD Form 214 (Report of Separation from Active Duty), period ending 28 February 1979, showing the SM was retired and was transferred to the U.S. Army Reserve (USAR) Control Group (Retired Reserve) on 28 February 1979, DD Form 214 shows in item:
 - 6a – CPT
 - 6b – O-3
 - 7 (Date of Rank (DOR)) – 8 February 1971
- Marriage Certificate dated 16 December 1999, showing the applicant married the SM on 16 December 1999
- Death Certificate showing the SM's date of death was 26 September 2020

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 spouse of the SM states:

- Item 6a of the SM's DD Form 214 denotes the grade of "CPT" upon retirement from active duty service; personnel records indicate the appropriate entry should be MAJ
- The family respectfully requests a DD Form 215 (Correction to DD Form 214) be issued to reflect the highest grade held
- This correction should be made to reflect the highest grade held by this decorated combat Veteran [SM]
- The error was discovered in September 2020 as the family gathered the documents necessary to submit a claim for Veterans Affairs burial benefits
- The Board should consider this request as a service to the Veteran's family

3. A review of the SM's service record shows:

- Having prior Regular Army enlisted service, the SM was appointed a Reserve commissioned officer on 8 February 1969
- On 16 October 1972, the SM's request for retention on active duty was approved under the provisions of Army Regulation (AR) 135-215 (Army National Guard and Army Reserve – Officer Periods of Service on Active Duty); the memorandum shows the SM's rank as CPT
- On 24 February 1976, the SM was informed a board of officers selected him for retention and determined he should be offered an extension of service beyond 20

years active Federal service to complete 10 years active Federal commissioned service

- On 13 December 1976, the SM accepted an offer to be retained on active duty until 29 February 1979
- On 16 August 1978, the SM requested to be released from active duty on 28 February 1979 and placed on the retired list, effective 1 March 1979; his rank is shown as CPT and his chain of command recommended approval
- On 1 September 1978, the Professional Development/Personnel Actions Branch cleared the SM for retirement on the requested date of 28 February 1979
- SM's record contains a Computation of Officer's Service, dated 11 September 1978, showing in item:
 - 20 – "CPT 8 Feb 71"
 - 22 – "MAJ 7 Feb 78"
- On 18 September 1978, DA Form 3713 (Data for Retired Pay) shows in item:
 - 1a (Last Name – First Name – Middle Name) – [SM]
 - 2 (Active Duty Grade) – CPT
 - 3 (Retired Grade) – MAJ
 - 8 (Highest Grade Attained) – MAJ
 - 9 (Permanent Grade) – MAJ
 - 10 (Retired Pay Grade) – MAJ
 - 17 (Date Placed on Retired List) – 1 March 1979
 - 18 (Component of Retired Pay Grade) – USAR
 - 19 (Separation Program Number) – RBD (Required Service for Retirement)
 - 20 (Statute Authorizing Retirement) – Title 10, USC, Section 3911
 - 21 (Statute Authorizing Retired Grade) – Title 10, USC, Section 3961
- On 18 September 1978, Orders Number S181-8 retired the SM, effective 28 February 1979, and placed him on the retired list, in the rank of MAJ on 1 March 1979; the order shows his rank at that time was CPT
- On 9 February 1979, Orders Number 40-92 assigned the SM to the Fort Benning Transition Point with a report date on 28 February 1979; his rank is shown as CPT
- Additional separation processing data documents show the SM's rank as CPT
- On 28 February 1979, the SM was retired by reason of required service for retirement and was transferred to the USAR Control Group (Retired Reserve); SM's DD Form 214 shows in item:
 - 6a – CPT
 - 6b – O-3

- 7 (DOR) – 8 February 1971
- 9c (Authority and Reason) – Title 10, USC, Section 3911, Separation Program Designator "RBD"
- 18c (Total Active Service) – 21 years and 28 days

BOARD DISCUSSION:

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 SM's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy, and regulation. The evidence of record shows the SM was promoted to the rank of CPT on 8 February 1971. The majority of the Board noted the DA Form 3713, dated 18 September 1978, shows his highest grade attained, permanent grade, and retired pay grade as major; the computation of officer's service form also shows his rank as major, and Orders Number S181-8 which retired the SM from active service shows his rank as major; however, these documents are not promotion orders. All available evidence in the record indicates the SM held the rank of CPT at the time of separation. While he apparently had been a major at some point, there's nothing to show the demotion, and therefore no evidence of any injustice. The Board concluded insufficient evidence exists and his record is absent of orders showing her was promoted to major. Therefore, the Board denied relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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.

X //Signed//

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 (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 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the Army Board for Correction of Military Records (ABCMR). In pertinent part, it states that 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. The ABCMR will decide cases based on the evidence of record. It is not an investigative agency.
3. AR 635-5 (Personnel Separations – Separation Documents) prescribes the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service. The instructions for completing:
 - a. Item 6a and b (Grade or rank and pay grade) states to enter active duty grade and pay grade at time of separation.
 - b. Item 7 (Date of rank) states to enter date of rank for grade shown in item 6a. Date will be recorded in the order shown on DD Form 214 using all numerals. For item 6a, enter permanent and temporary date of rank in item 27, Remarks.
4. Title 10, USC, Section 3911 (Twenty years or more: regular or reserve commissioned officers) states, the Secretary of the Army may, upon the officer's request, retire a regular or reserve commissioned officer of the Army who has at least 20 years of service computed under section 3926 of this title, at least 10 years of which have been active service as a commissioned officer.
5. Title 10, USC, Section 3961 (General rule) states, (a) The retired grade of a regular commissioned officer of the Army who retires other than for physical disability, and the retired grade of a reserve commissioned officer of the Army who retires other than for physical disability, is determined under section 1370 of this title. (b) Unless entitled to a higher retired grade under some other provision of law, a Regular or Reserve of the Army not covered by subsection (a) who retires other than for physical disability retires in the regular or reserve grade that he holds on the date of his retirement.

6. Title 10, USC, Section 1370 (Regular commissioned officers) states:

a. Unless entitled to a different retired grade under some other provision of law, a commissioned officer (other than a commissioned warrant officer) of the Army who retires under any provision of law other than chapter 61 or 1223 of this title shall be retired in the highest permanent grade in which such officer is determined to have served on active duty satisfactorily.

b. In order to be eligible for voluntary retirement under any provision of this title in a grade above the grade of captain in the Army, a commissioned officer of the Army, must have served on active duty in that grade for a period of not less than three years, except that — (1) subject to subsection (c), the Secretary of Defense may reduce such period to a period of not less than two years for any officer; and (2) in the case of an officer to be retired in a grade at or below the grade of major general or rear admiral, the Secretary of Defense may authorize the Secretary of the military department concerned to reduce such period to a period of not less than two years.

//NOTHING FOLLOWS//