

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS
RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 April 2025

DOCKET NUMBER: AR20240011518

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) ending on 23 November 1988 to show his rank/grade as staff sergeant (SSG)/E-6 instead of specialist four (SP4)/E-4.

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

- DD Form 149 (Application for Correction of Military Record)
- National Personnel Records Center (NPRC) letter dated 28 June 2024, which states, the NPRC has no authority to review and approve amendments or corrections to military records; this is a function of the Review Boards of the military service departments

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:
 - The DD Form 214 shows the rank of E-4
 - This needs to be corrected to show the true rank of E-6
 - The correction should be made because he earned the rank of E-6
 - His wife noticed the rank was inconsistent from the rank he had mentioned to her, and when she was looking to confirm that they had received the member copy 4 that was showing an honorable discharge
3. A review of the applicant's military service record shows:
 - On 1 September 1983, the applicant enlisted in the Regular Army
 - In May 1985, DA Form 2627 (Record of Proceedings Under Article 15, Uniform Code of Military Justice) shows the applicant accepted Non-Judicial Punishment

(NJP) for being derelict in the performance of his duties by culpable inefficiency, and failed to properly secure the unit arms room; his punishment consisted of:

- Reduction to the grade of E-2, suspended until 21 August 1985
- Forfeiture of \$150.00, \$75.00 of which was suspended until 21 August 1985
- Restriction and extra duty for 14 days
- The applicant did not appeal

- In July 1985, DA Form 2627 shows he received NJP for disobeying a lawful order by wrongfully having two Army igniter time blasting caps, three M-60 blank rounds, and two .45 caliber magazines with seven live rounds each unsecured in his wall locker in the billets; his punishment consisted of:
 - Forfeiture of \$100.00 and extra duty for 14 days
 - The applicant did not sign block 7 indicating if he would appeal the NJP and/or punishment
- On 17 October 1985, DA Form 4187 (Personnel Action) shows the applicant was advanced to SP4/E-4, effective 17 October 1985, with a date of rank of 1 September 1985
- On 17 November 1986, he reenlisted in the rank of E-4 for a period of 4 years
- On 23 November 1988, he was honorably released from active duty by reason of "Failure to Meet Body Fat Standards", and was transferred to the U.S. Army Reserve Control Group (Reinforcement); DD Form 214 shows in item:
 - 4a (Grade, Rate or Rank); SP4
 - 12h (Effective Date of Pay Grade); 17 October 1985

4. The applicant's record did not contain orders or documentation showing he was promoted to the rank/grade of SSG/E-6, nor did he provide any orders or documentation.

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 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. Upon review of the applicant's petition and available military records, the Board determined his record is absent evidence that shows he was promoted to SSG/E-6 prior to his discharge. Based on regulatory guidance, promotion to SSG/E-6 are announced with official orders. The Board agreed the request for relief has no merit as the available evidence does not support the applicant was ever promoted to the rank of staff sergeant. Therefore, the Board denied relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

: : : GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

██████████ 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.

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 (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 (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. The instructions for preparing DD Form 214, items 4a (Grade, Rate or Rank) and 4b (Pay Grade) state to enter active-duty grade of rank and pay grade at time of separation.

//NOTHING FOLLOWS//