

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 July 2025

DOCKET NUMBER: AR20240011679

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 14 June 2003 as follows:

- National Defense Service Medal
- Item 1 (Name) – as listed in Change of Name Order
- Item 4a. (Grade, Rate, or Rank) – Specialist (SPC) to Corporal (CPL)

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum for Lateral Appointment
- Department of Veterans Affairs (VA) Letter
- Change of Name Order
- National Personnel Records Center (NPRC) Letter

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 he is requesting the National Defense Service Medal, his rank updated to reflect CPL, and his name corrected as listed in the court order.
3. The applicant provides a memorandum dated 20 March 1990 showing his rank as CPL and a court ordered name change document from The District Court, 117th Judicial District, Nueces County, TX.
4. A review of the applicant's service record shows:
 - a. He was inducted into the Army of the United States on 14 October 1964.

b. His DA Form 2-1 (Personnel Qualification Record) shows:

- Block 31 (Foreign Service): Vietnam from 6 January 1965 - 7 October 1966
- Block 33 (Appointments and Reductions): PVT E-1 (P) – 16 October 1964, PVT E-2 (P) – 15 October 1965, PFC E-3 (P) – 14 July 1965
- Block 41 (Awards and Decorations) as Army Service Ribbon, Vietnam Service Medal, Vietnam Campaign Medal and Expert Marksmanship Qualification Badge with Rifle Bar (M-16)

c. On 8 September 1989, the applicant was placed on the Weight Control Program for exceeding the body fat standard.

d. On 20 March 1990, he was removed from the Weight Control Program. He was informed that if he exceeded his weight and body fat standard after 12 months but within 36 months, he would be subject to separation from the service.

e. On 23 March 1990, he received a lateral promotion to Corporal (CPL).

f. On 10 September 1990, he was determined to be overweight and a medical evaluation was requested.

g. On 10 October 1990, he was counseled for his failure to meet weight for height and body fat standards. The counseling addressed the applicant as a CPL.

h. On 15 November 1990, the applicant's immediate commander notified the applicant of his intent to separate him under the provisions of AR 635-200, Chapter 5, Section IV, Paragraph 5-15 for failure to meet Army weight standards. The memorandum addressed the applicant as specialist (SPC). He recommended an honorable discharge.

i. The applicant waived consultation with legal counsel and acknowledged the rights available to him and the effects of waiving his rights. His signature block listed his rank as SPC.

j. On 29 November 1990, consistent with the chain of command recommendations, commanders' recommendation the applicant be issued a DA Form 256A (Honorable Discharge Certificate). Further he stated the applicant would be transferred to the Individual Ready Reserve under the provisions of AR 635-200 paragraph 1-36 to complete his mandatory service obligation.

k. On 20 December 1990, he was honorably released from active duty. His DD Form 214 shows he completed 4 years, 6 months, and 16 days of active service. It also shows he was awarded or authorized:

- Army Service Ribbon
- Good Conduct Medal
- Army Achievement Medal
- Noncommissioned Officer Professional Development Ribbon
- Overseas Service Ribbon
- Expert Marksmanship Badge Pistol (.45 caliber)
- Expert Marksmanship Badge Rifle (M-16)

5. A review of the applicant's service record confirms administrative entries and awards were omitted from his DD Form 214. The administrative entries and awards will be added to his DD Form 214 as administrative corrections and will not be considered by the Board. The Board will consider his request for a change of rank from SPC to CPL.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was 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. The evidence of record establishes that the applicant was enrolled in the Army Weight Control Program on 8 September 1989 after exceeding authorized body fat standards. The applicant subsequently received a lateral appointment to the rank/grade of CPL/E-4 on 23 March 1990. On 10 September 1990, he was again found to be overweight, prompting his commander to initiate separation proceedings in accordance with the applicable regulatory guidance.

2. The Board notes that a lateral appointment to the rank of CPL is contingent upon assignment to a leadership position requiring a noncommissioned officer. Such an appointment is not permanent, and the imposition of a properly initiated flag would require the individual to be laterally reassigned to the rank/grade of SPC/E-4. Based on the foregoing, the Board determined that the applicant's rank/grade at the time of separation was proper and that no error or injustice occurred.

3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
XXX	XXX	XXX	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214 ending on 20 December 1998 by adding the corrections shown in the administrative notes section of the record of proceedings.

2. The Board further determined that the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to amending the applicant's rank on his DD Form 214 to show CPL vice SPC.

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.

ADMINISTRATIVE NOTE(S):

A review of the applicant's service records show he is authorized an additional award and administrative entry not annotated on his DD Form 214. As a result, amend his DD Form 214 to show:

- National Defense Service Medal
- Item 1 (Name) – as listed in the Change of Name Order, from DRV to RDV

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. By regulation (AR 600-8-22) the National Defense Service Medal is awarded for honorable active service for any period between 27 July 1950 and 27 July 1954, 1 January 1961 and 14 August 1974, 2 August 1990 and 30 November 1995, and 11 September 2001 and a date to be determined. Second and subsequent awards of the National Defense Service Medal are denoted by a bronze service star affixed to the National Defense Service Medal.

3. Army Regulation 635-5 (Separation Documents) 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. Item 4a (Grade, Rate or Rank and Pay Grade) will enter active duty grade or rank and pay grade at time of separation.

//NOTHING FOLLOWS//