

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 April 2025

DOCKET NUMBER: AR20240011924

APPLICANT REQUESTS:

- In effect, correction of item 30 (Remarks) of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to state he was released from active duty in the permanent rank of first lieutenant (1LT) vice second lieutenant (2LT)
- A personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored letter dated 25 June 2024, wherein, he states, he served as a 1LT in the Republic of Vietnam and then in the U.S. Army Reserve (USAR); yet his DD Form 214 says he was "retired" with a permanent rank of 2LT
 - This is unjust and he would appreciate the Board correcting this and designation his permanent rank as 1LT; and
 - Changing all relevant forms and records to reflect this change
- SF 180 (Request Pertaining to Military Records) dated 25 June 2024, which shows he requested a copy of his DD Form 214

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 served as a 1LT in the Republic of Vietnam on active duty and in the Reserves, but his DD Form 214 has him "retired" as a 2LT

- He would like the Board to take whatever action necessary to have his retired rank certified as 1LT and his DD Form 214 and any other records changed to reflect his rank as 1LT
- There is no compelling reason to reduce his rank of record
- He discovered this problem when moving residences and going through his files
- He put it off based on dreading the process to fix it

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

- On 16 August 1966, the applicant enlisted in the Regular Army for a period of 2 years; DD Form 4 (Enlistment Record – Armed Forces of the United States) shows in item 37 (Remarks):
 - His Basic Combat Training commenced on 29 August 1966; and
 - He had a reporting date to the Infantry Officer Candidate School on 8 January 1967
- On 27 July 1967, DD Form 214 shows the applicant was honorably discharged to accept a commission; he completed 11 months and 12 days net active service this period
- On 28 July 1967, he was appointed as a Reserve commissioned officer, in the rank of 2LT, and executed his oath of office
- His DA Form 66 (Officer Qualification Record) shows in item 2 (Grade) "1LT" and item 12 (Appointments), he was appointed as a 1LT in the Army of the United States on 28 July 1968 and in the U.S. Army Reserve (USAR) on 30 July 1969
- On 28 July 1969, Special Orders Number 170 released the applicant from active duty and transferred him to the USAR Control Group (Annual Training), effective 29 July 1969; in part, the orders show:
 - All Army of the United States appointments terminate on release from active duty
 - Separation Program Number (SPN) 611, expiration of active duty commitment
 - Reserve Grade, Basic Branch, and Component: 1LT-Infantry Branch-USAR
- On 29 July 1969, the applicant was released from active duty and was transferred to the USAR Control Group (Annual Training); his DD Form 214 shows he completed 2 years and 2 days net active service this period and shows in item:
 - 5a (Grade, Rate or Rank) – 1LT
 - 5b (Pay Grade) – O-2

- 11c (Reason and Authority) – Section XIV, Army Regulation 135-173, SPN 611, "expiration of active duty commitment"
- 17 (Current Active Service Other Than By Induction) – "Ordered to Active Duty from USAR"
- 30 (Remarks) – "Item 5a: Temp 1LT Army of the United States (AUS) appointed 28 July 1968 Permanent 2LT USAR appointed 28 July 1967"
- On 2 August 1972, Letter Orders Number 08-1287299 honorably discharged the applicant from the Standby Reserve due to his resignation, effective 31 August 1972; his rank is shown as 1LT

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that 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 Board determined based on a preponderance of the evidence, including the applicant's DA Form 66 (Officer Record Brief), he held the rank of 1LT, effective 28 July 1968, prior to the date of his release from active duty. Therefore, the Board concluded his DD Form 214, for the period ending 29 July 1969 should reflect the rank of 1LT vice 2LT and the remark in item 30 should be removed.
2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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| ■ | ■ | ■ | GRANT FULL RELIEF |
| : | : | : | GRANT PARTIAL RELIEF |
| : | : | : | GRANT FORMAL HEARING |
| : | : | : | DENY APPLICATION |

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending his DD Form 214, for the period ending 29 July 1969 to remove from item 30 (Remarks) "item 5a: Temp 1LT AUS aptd 28 Jul 68 Perm 2LT USAR aptd 28 Jul 67."

5/5/2025

X [REDACTED]

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) 15-185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. In pertinent part, the regulation states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. It will decide cases based on the evidence of record and it is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. Paragraph 2-11 states that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.
3. AR 635-5 (Separation Documents) at the time established the standardized policy for preparing and distributing the DD Form 214. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service. The regulation in effect at the time contained guidance on the preparation of the DD Form 214. The instructions for:
 - a. Item 5a (Grade, Rate or Rank) state to enter grade in which serving at time of separation as shown in item 2, DA Form 66. Since this entry may be an officer's temporary Army of the United States (AUS) or permanent (Regular Army (RA) or Reserve (USAR) grade and does not show the date of appointment, additional entries will be made in item 30 to clarify the grade status. Examples for item "Item 5a - temp CPT, AUS, aptd 5 May 56, perm 1LT RA aptd 1 Dec 55."
 - b. Item 5b (Pay Grade) states to enter pay grade.
 - c. Item 30 (Remarks) state that the "Remarks" section will be used to complete entries too long for their respective blocks. When an officer accepts an appointment in the Regular Army, enter "Vacated Res Com," "Apt RA" or "Acptd RA apt on ____."

//NOTHING FOLLOWS//