

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 July 2025

DOCKET NUMBER: AR20240012300

APPLICANT REQUESTS:

- Retroactive promotion to the rank/grade of sergeant (SGT)/E-5
- An appearance before the Board via telephone or video

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

DD Form 149 (Application for Correction of Military Record)

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:
  - On the day he deployed to Vietnam, President N- had announced that he was pulling 25,000 troops out to return to the states
  - He spent between 10-20 days on patrol conducting reconnaissance with his unit protecting against the enemy and helping those who were wounded
  - During his deployment he agreed to extend his tour of duty for the promise of promotion to the rank of SGT
  - He would have less than 150 days then be discharged when he returned to the states
  - However, he never received the promotion and was air transported via helicopter to the out-processing center and sent back home
  - He should be promoted to SGT because he earned the rank, and it was promised to him
3. A review of the applicant's record shows the following:
  - On 18 November 1968, he was inducted into the Army of the United States
  - DA Form 20 (Enlisted Qualification Record) shows the following:

- Item 31 (Foreign Service) shows service in Vietnam from 9 June 1969 to on or about 22 June 1970
- Item 33 (Appointments and Reductions) shows the following:
  - Private (PVT)/E-1, effective 18 November 1968
  - PVT/E-2, effective 18 March 1969
  - Private First Class (PFC)/E-3, effective 12 June 1969
  - Specialist Four (SP4)/E-4, effective 16 November 1969
- Item 41 (Awards and Decorations) shows the following:
  - National Defense Service Medal
  - Vietnam Service Medal
  - Republic of Vietnam Campaign Medal with 1960 Device
  - Combat Infantryman Badge
  - Army Commendation Medal (2nd Oak Leaf Cluster)
  - One Overseas Service Bar
- Special Orders Number 331, dated 27 November 1969 was issued promoting him to the rank/grade of SP4/E-4 with a retroactive effective date of 16 November 1969
- Special Orders Number 174, dated 23 June 1970 was issued for an honorable release from active duty
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), ending 23 June 1970 reflects an honorable release from active duty in the rank of SP4 with service from 18 November 1968 to 23 June 1970 for a net active service of 1 year, 7 months, and 6 days
- Item 22c (Foreign and/or Sea Service) shows 1 year and 14 days
- Item 24 Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) shows he was awarded the following:
  - National Defense Service Medal
  - Vietnam Service Medal
  - Vietnam Campaign Medal
  - Army Commendation Medal (2nd Oak Leaf Cluster)
  - Combat Infantryman Badge
  - Air Medal

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 and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined there is insufficient evidence to support the applicant's contentions for retroactive promotion to the rank of Sergeant (SGT)/E-5. The Board acknowledged the applicant honorably served in Vietnam from June 1969 to June 1970 and was promoted to Specialist Four (SP4)/E-4 during his tour. While the applicant asserts, he was promised promotion to SGT in exchange for extending his tour, there is no official documentation verifying the promotion was approved or processed.

2. The Board noted that promotions require formal orders and fulfillment of regulatory criteria, and the absence of such documentation precludes retroactive advancement in rank. However, during deliberation, the Board determined the applicant's service record including his honorable discharge, combat service, and absence of disciplinary actions meets the criteria for award of the Army Good Conduct Medal (1st Award) for the period of 18 November 1968 - 23 June 1970. As such, the Board granted partial relief by awarding the Army Good Conduct Medal but denied the applicant's request for retroactive promotion to the rank of Sergeant (SGT)/E-5."

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. 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

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

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the administrative notes annotated by the Analyst of Record (below the signature), 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 awarding the applicant the Army Good Conduct Medal (1st Award) for exemplary service from 18 November 1968 to 23 June 1970 and adding the medal to his DD Form 214 for the period ending 23 June 1970.
  
2. The Board further determined 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 retroactive promotion to the rank/grade of sergeant (SGT)/E-5.

**X** //SIGNED//

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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):

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214, ending 23 June 1970, by adding the following awards:
  - Three bronze service stars to his already awarded Vietnam Service Medal
  - With 1960 Device to his already awarded Republic of Vietnam Campaign Medal
  - Republic of Vietnam Gallantry Cross with Palm Unit Citation
  - 1 Overseas Service Bar
  
2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.
  - DD Form 214

- DA Form 20 (Enlisted Qualification Record)
- Department of the Army General Orders Number 8, dated 1974
- Army Regulation (AR) 600-8-22

#### 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) in effect at the time prescribes the separation documents that will be furnished each individual who is separated from the Army. Source documents will consist of DA Form 20. Item 5a; enter the grade in which serving at the time of separation, indicating whether permanent or temporary. Item 30; if grade as shown in item 5 is not permanent, enter permanent grade, date of appointment, and date of rank if different from date of appointment.

3. AR 600-200 (Enlisted Personnel Management System) in effect at the time states in section 7-3 (Authority to promote) states pay grades E-5 and E-6. Field grade commanders of any organization which is authorized a commander in the grade of lieutenant colonel or higher may promote assigned personnel to pay grades E-5 and E-6.

4. 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. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 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.

//NOTHING FOLLOWS//