

IN THE CASE OF: ██████████

BOARD DATE: 18 January 2024

DOCKET NUMBER: AR20230006385

APPLICANT REQUESTS: reconsideration of his request to correct his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 18 September 1963 to show his rank/grade as private first class (PFC)/E-3.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 47 (Record of Induction), 7 November 1962
- DA Form 20 (Enlisted Qualification Record)
- DA Form 24 (Service Record)
- Certificate of Training, 12 April 1963
- Honorable Discharge Certificate, 18 September 1963
- DD Form 214, 18 September 1963
- Army Discharge Review Boards (ADRB) letter, 26 May 1965
- Applicant letter to ADRB, 6 July 1965
- Office of the Adjutant General, U.S. Army Administration Center letter, 26 July 1965
- Finance Center letter to applicant, 3 November 1965
- U.S. Army Human Resources Command (HRC) letter to applicant, 9 November 2018
- Department of Veterans Affairs (VA) rating decision, 6 May 2020
- Disabled American Veteran (100 percent) identification card

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20210011331 on 20 October 2021.

2. The applicant states:

a. He believes he should be a PFC. When a Soldier goes into the service, they are a private (PVT)/E-1 and then after the second 8 weeks they become a PV2/E-2. Then after 8 months Soldiers become a PFC with good behavior and character. He never had

bad marks. His captain was getting rid of him, so he guesses he did not want it to look bad for him. He does not know.

b. It took years to get his DD Form 214 upgraded and it is very important to him. He loves his country and deserves the promotion to PFC. His captain did not treat him right. It took years to get his service connection benefits. He has sent letters many times trying to fix his rank and never received anything back. He does not want to die as an E-2.

3. A review of the applicant's military records shows the following:

a. He was inducted into the Army of the United States on 7 November 1962 in the rank/grade of private (PVT)/E-1.

b. A DA Form 24 (Service Record) shows he was promoted/advanced to PV2/E-2, effective on with a date of rank of 7 March 1963.

c. A report of psychiatric evaluation, dated 20 June 1963, shows the applicant was recommended for expeditious separation from the Armed Forces under the provisions of Army Regulation (AR) 635-209 (Personnel Separations — Discharge — Unsuitability).

d. On 2 August 1963, he was notified that he was being recommended for discharge under the provisions of AR 635-209 by reason of unsuitability. He did not desire to be represented by counsel or to appear before a board of officers. He was advised that he may be discharged with a general discharge, with service characterized as under honorable conditions.

e. On 7 August 1963, his immediate commander formally recommended that he be separated from service under the provisions of AR 635-209, for unsuitability.

f. On 13 August 1963, the separation authority approved the recommended separation, under the provisions of AR 635-209, and directed the issuance of a DD Form 257A (General Discharge Certificate).

g. The applicant was discharged on 18 September 1963 under the provisions of AR 635-209 by reason of unsuitability, ineptitude. His service was characterized as under honorable conditions, and he completed 10 months and 12 days net active service. DD Form 214, item 3a (Grade, Rate or Rank) shows PVT/E-2 (Permanent).

h. He applied to the ADRB for an upgrade of his discharge. The ADRB considered his application on 26 July 1965 and directed that his discharge be upgraded to honorable.

i. The applicant was issued a new DD Form 214, showing his service was characterized as honorable. The reissued DD Form 214 did not change his rank/grade.

j. The applicant's record is void of documentation that shows he was promoted to the rank/grade of PFC/E-3 prior to his date of discharge.

k. On 20 October 2021, ABCMR docket number AR2021001131 shows the ABCMR denied the applicant's request to correct his DD Form 214 to show his rank/grade as private first class (PFC)/E-3.

3. In support of his request for reconsideration, the applicant provides:

a. A Certificate of Training dated 12 April 1963, which shows he successfully completed military occupational specialty 174 (Air Defense Missile Crewman (Hawk)) training.

b. An Honorable Discharge Certificate dated 18 September 1963, which shows he was honorably discharged in the rank of PV2/E-2.

c. ADRB letter dated 26 May 1965, which notified the applicant that his case would be reviewed on 7 July 1965.

d. His letter to the ADRB dated 6 July 1965, wherein he states that he accepted the honorable discharge.

e. Office of the Adjutant General, U.S. Army Administration Center letter dated 26 July 1965, which notified the applicant that his discharge was changed to honorable.

f. Finance Center, Indianapolis, IN, letter to the applicant dated 3 November 1965, which disallowed his claim for additional amounts of money due to a change in his discharge from general to honorable.

g. HRC letter to the applicant dated 9 November 2018, which referred him to the ABCMR.

h. VA rating decision dated 6 May 2020, which shows in pertinent part, his entitlement to individual unemployability granted effective 12 November 2019 and his evaluation of major depressive disorder recurrent mild, with anxious distress (previously denied as anxiety), which is currently 70 percent disabling, is continued.

i. His Disabled American Veterans (100 percent) identification card.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.
2. The Board found that the circumstances leading to the applicant's discharge, as described in his service records, would have placed him in a non-promotable status. The Board found no basis in the available evidence for recommending his retroactive advancement to PFC. Based on a preponderance of the evidence, the Board determined the rank and grade recorded on his DD Form 214 are not in error or unjust.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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 that the overall merits of this case are insufficient as a basis to amend the decision of the ABCMR set forth in Docket Number AR20210011331 on 20 October 2021.

4/15/2024

X [REDACTED]

CHAIRPERSON
[REDACTED]

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. 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, 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.
2. AR 635-5 (Separation Documents) at the time established the standardized policy for preparing and distributing the DD Form 214. It states the purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. Item 3a (Grade, Rate or Rank) provided for the entry of the active duty grade or rank and pay grade at time of separation. It is important that information entered on the form be complete and accurate, reflective of the conditions as they existed at the time of separation.
3. AR 600-200 (Enlisted Personnel Management System), in effect at the time, prescribes policies, responsibilities, and procedures pertaining to career management of Army enlisted personnel. In pertinent part, it states, the normal time in service criterion for promotion to E-3 is established as 12 months and normal time in grade criterion is 4 months.
4. AR 600-8-19 (Enlisted Promotions and Reductions) currently in effect, provides that, the effective date of advancement will not be earlier than the date the Soldier is eligible. Eligibility criteria for automatic Regular Army promotion to PFC is 12 months time in service and 4 months time in grade. Soldiers must be fully eligible for promotion on the effective date of promotion.

//NOTHING FOLLOWS//