

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 November 2023

DOCKET NUMBER: AR20230006617

APPLICANT REQUESTS: correction of his deceased father, a former service member (FSM), WD AGO Form 53-55 (Enlisted Record and Report of Separation Honorable Discharge), to show his rank/grade as corporal (CPL) vice private first class (PFC).

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

- Birth Certificate, 1 March 1962
- Photos
- WD AGO Form 53-55, 22 December 1945
- State of Oklahoma Certificate of Death, 11 September 2021

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 honorable discharge paperwork he has for his father shows him as a PFC but looking at photos of him taken during World War II, he is wearing CPL stripes. His father referred to himself as being a CPL so he thinks he must have gotten a promotion some time after the D-day landing. Either his discharge paperwork is in error, or he was demoted to PFC before being discharged. He is trying to order a grave marker for his father and would like for the marker to reflect the higher rank of CPL. The Department of Veterans Affairs requires an official military record showing the FSM's rank of CPL and he has no idea how to provide that if the records were destroyed in a fire.
3. The FSM's complete military records are not available for review. A fire destroyed approximately 18 million service members' records at the National Personnel Records Center in 1973. It is believed that the FSM's records were lost or destroyed in that fire. However, there were sufficient documents remaining in a reconstructed record to conduct a fair and impartial review of this case. These records consist of files provided

from a partial reconstructed record by the National Archives and Records Administration, and/or the National Personnel Records Center, and the applicant.

4. The applicant provides the following:

a. Two photos of the FSM wearing CPL stripes and one group photo taken with his company.

b. A State of Oklahoma Certificate of Death dated 11 September 2021.

5. A review of the FSM's available records shows the FSM was honorably discharged on 22 December 1945. His WD AGO Form 53-55 shows in:

- Item 3 (Grade): PFC
- Item 22 (Date of Induction): 25 January 1943
- Item 24 (Date Entered into Active Service): 1 February 1943
- Item 40 (Reason and Authority for Separation): Convenience of the government (demobilization)

6. There are no documents in the available service record showing the FSM's rank as CPL.

7. By regulation (TM 12-236, Preparation of Separation Forms), in effect at the time, described in detail, step by step, the proper method of executing the series of eight-part Separation Forms for officer and enlisted personnel. It stated, for item 3 (Grade), enter the grade held at the time of separation.

#### BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the FSM's available military record, and regulatory guidance were carefully considered. The FSM's records are sparse. The Board found insufficient evidence of the FSM being promoted or appointed to CPL. The governing regulation states for item 3 (Grade) of the WD AGO Form 53-55, enter the grade held at the time of separation. However, the Board also believed the FSM should not be penalized by the Army's loss of his records (due to the fire). Additionally, the Board was persuaded by the photos provided with this application and determined it is likely the FSM held the rank of CPOL at time of separation.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

█	█	█	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 the Army records of the individual concerned be corrected by amending his WD AGO Form 53-55 to show the rank of CPL in Item 3 (Grade).

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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. Technical Manual 12-236 (Preparation of Separation Forms), in effect at the time, governed procedures for execution of Discharge Certificates, Certificates of Service, and the respective military record or enlisted record and report of separation. The purpose of the manual was to describe in detail, step by step, the proper method of

executing the series of eight-part Separation Forms for officer and enlisted personnel, which were a combination of the various Certificates of Discharge and Service with the Report of Separation, WD AGO Form 53. It stated, for item 3 (Grade), enter the grade held at the time of separation.

3. Army Regulation 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 ABCMR. 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.

4. The National Archives website provides instructions for Veterans and family members to request copies of WW II Era documents by the next of kin, replacing lost medals and awards, and completing genealogical research. Their website is <https://archives.gov/research> with details on how to order records by mail, online, or by fax. To obtain records by mail, a completed SF 180 is required.

//NOTHING FOLLOWS//