

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 15 March 2024

DOCKET NUMBER: AR20230008486

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from the Armed Forces of the United States) to show he was promoted to the rank of sergeant.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:  
DD Form 149 (Application for Correction of Military Record), 31 May 2023.

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 effect:
  - a. As a corporal, he was assigned to the duties of a 60 mm mortar squad leader for many months. There was a change of the company commander who was more interested in his credits instead of attending to his troops.
  - b. He was qualified for a third stripe with a rocker but the new officer said he would authorize it only if he would extend for 6 months. The applicant had not seen his mother for 2 and 1/2 years and she was very sick so he refused to extend. His commander would not promote him unless he would extend.
  - c. He would like to be buried in a Veteran's cemetery and his headstone to show the truth of his service. He was a good sergeant.
3. The applicant'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 applicant'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 National Personnel Records Center, and records provided by the applicant.

4. A review of the applicant's available service records shows:

a. On 15 May 1951, he enlisted in the Regular Army for a period of 3 years at grade/pay grade private/E-1.

b. On 22 April 1954, he was honorably discharged. His DD Form 214 shows in:

(1) Item 3 (Grade-Rate-Rank and Date of Appointment) – CPL (T) 7 Jan 54.

(2) Item 38 (Remarks), in part: "Item 3: PVT-2 (P) 15 Sep 51 Date of Rank 24 Dec 53."

c. His available records are void of orders or a commander's recommendation for promotion to sergeant.

**BOARD DISCUSSION:**

The applicant's contentions, the military record, and regulatory guidance were carefully considered. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. His available records are void of orders or a commander's recommendation for promotion to sergeant.

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 the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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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. 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 regulation provides 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.

3. Special Regulation 615-360-1 (Enlisted Personnel – Separation of Enlisted Personnel), then in effect (24 June 1953), established the procedures to be followed in the separation of enlisted personnel from active military service and described the proper method of execution and disposition of the various forms, records, and reports required.

a. A Report of Separation from the Armed Forces of the United States (DD Form 214) is furnished to all enlisted personnel separated from the active military service.

b. To insure accuracy and economy in the preparation of the DD Form 214, DD Form 214a (worksheet) will be used as the basis of the final preparation of DD Form 214. After verification of entries on DD Form 214, disposition of the work sheet will be in accordance with regulation. An entry will be made in each item. If no detailed entry is applicable enter "None" or "Not applicable."

c. In item 3 (Enter grade in which serving at the time of separation, indicating whether permanent or temporary, and date of appointment. Example: MSG (P), 24 Oct 52 or MSgt (T), 3 Nov 52.

(1) If date of rank is different from date of appointment, enter date of rank in item 38 (Remarks). Example: Date of rank 15 Apr 52.

(2) If grade at time of separation is not permanent, the permanent grade, date of appointment, and date of rank if different from date of appointment will be entered in item 38. Example: Sgt (P) 1 Aug 52 or Sgt (P) 13 Sep 52, Date of Rank 1 Aug 52.

//NOTHING FOLLOWS//