

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 October 2024

DOCKET NUMBER: AR20230009031

APPLICANT REQUESTS: on behalf of his deceased father, a former service member service member (SM), correction of his WD AGO Form 53-55 (Enlisted Record and Report of Separation – Honorable Discharge) to reflect the total time served in the U.S. Army.

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

- DD Form 149 (Application for Correction of Military Record)
- WD AGO Form 53-55, 28 February 1947
- NA Form 13038 (Certification of Military Service), 16 June 2023
- Authorization Form U.S. Senator, undated

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, he is requesting that his father's honorable discharge reflect the total time that his father served in the U.S. Army, not just his reenlistment time (November 1945 to February 1947). Line 7 (Date of Separation) and line 23 (Date of Enlistment) do not show his prior years of service (2 years, 9 months, 11 days). The SM's discharge form is torn in half and taped, but you can see the days and dates are covered over line 36 (Service Outside the Continental U.S. and Return) and line 37 (Total Length of Service). Line 39 (Prior Service) shows his father had 2 years, 9 months, and 11 days of prior service. His WD AGO Form 53-55 only covers 15 months. He wants to make sure that the FSM is properly honored and recognized.
3. The SM'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 are sufficient documents remaining in a reconstructed record for the Board to conduct a fair and impartial review of this case.

4. The applicant provides the following:

a. A copy of the SM's WD AGO Form 53-55, which shows:

- Item 5 (Component): Regular Army, 3 years
- Item 7 (Date of Separation): 28 February 1947
- Item 23 (Date of Enlistment): 28 November 1945
- Item 24 (Date of Entry into Active Service): 28 November 1945
- Item 36 (Service Outside Continental U.S. and Return): The first line of this section is unclear, but the information that is readable shows he arrived outside the continental U.S. on 6 October 1945.
- Item 37 (Total Length of Service):
  - Continental Service – 10 months, 6 days
  - Foreign Service – 4 months, 24 days
- Item 39 (Prior Service): Army, 2 years, 9 months, 11 days
- Item 43 (Longevity for Pay Purposes): 4 years, 11 days

b. Certification of Military Service from the National Personnel Records Center dated 16 June 2023, and shows the SM served in the Regular Army from 28 November 1945 to 28 February 1947.

c. An authorization form, wherein the applicant authorizes any federal agency or other entity to release information and records to the U.S. Senator and members of her staff.

5. A review of the SM's available service records show a War Department Form 372 A (Final Payment – Worksheet). This form shows the FSM was honorably discharged on 24 November 1945.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The SM's complete military records are not available for review. The only document available is a WD AGO Form 53-55 that shows he enlisted on 28 November 1945, and he was separated on 28 February 1947, completing approximately 1 year and 3 months of service during the period covered by the WD AGO Form 53-55. This form also credited him with 2 years, 9 months, 11 days of prior service. The Board found no other military documents, and the applicant does not provide any, that show the SM

completed, any other periods of active service. Without his service records and/or other documentation, the Board determined there is insufficient evidence to grant him the requested relief.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	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 615-365 (Enlisted Men – Discharge Convenience of the Government), in effect at the time, stated to permit immediate enlistment or reenlistment in the Regular Army, enlisted men currently serving in the Army of the United States, who apply and are qualified for such enlistment or reenlistment, would be discharged from their present enlisted status and enlisted or reenlisted in the Regular Army on the day following discharge. WD AGO Form 53-55 (Enlisted Record and Report of Separation Honorable Discharge) would not be delivered to the enlisted man until after enlistment or reenlistment is effected. To permit immediate reenlistment for 3 years, of enlisted men currently serving in the Regular Army, who apply for and are qualified for such reenlistment, for the purpose of (1) Meeting length of service requirement for attendance at service schools; or for (2) Volunteering for oversea service; enlisted men would be discharged from their present enlisted status and reenlisted on the day following discharge. Form 53-55 would not be delivered to the enlisted man until after reenlistment is effected.

3. War Department Technical Manual 12-235 (Enlisted Personnel - Discharge and Release from Active Duty), dated January 1945, provided uniform procedures in discharging or releasing personnel from active duty. The instructions for completing the Report of Separation (WD AGO Form 53-55) states that the form is completed from the Service Record, Soldier's Qualification Card, Immunization Register, and information ascertained by interview with the dischargée.

4. War Department Technical Manual 12-236 (Preparation of Separation Forms), April 1945, describes in detail the proper method of completing separation document WD AGO Form 53. The instructions for completing the separation form state the records to be used as a basis for the preparation include the service record, qualification card, immunization register, certificate of disability for discharge, citations, general court-martial orders, and army separation qualification record, when applicable. The instructions for completing:

- Item 7 (Date of Separation) – enter date separated from the service.
- Item 23 (Date of Enlistment) – Fill in whichever is applicable.
- Item 24 (Date of Entry into Active Service) – Date of entry on current tour of active duty.

- Item 39 (Prior Service) – Enter prior active Federal Service. Example: “United States Army 3 years” “United States Marine Corps 3 years.”

//NOTHING FOLLOWS//