

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 April 2024

DOCKET NUMBER: AR20230010641

APPLICANT REQUESTS: correction of the DD Form 1300 (Report of Casualty) of her deceased brother, a former service member (FSM) to show in item 4 (Date and Place of Last Entry on Active Duty in Current Status and Home of Record at Time) [REDACTED]
[REDACTED]

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

- DD Form 149 (Application for Correction of Military Record)
- Statement from FSM
- Applicant Certificate of Live Birth
- FSM High School Diploma
- FSM Civilian job appointment letter
- FSM Civilian job resignation letter receipt
- Special Orders Number 76, dated 15 April 1970
- FSM self-authored statement
- FSM Federal Employee Salary Act Letter
- FSM DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), for the period ending 18 April 1971
- DD Form 1300 (Report of Casualty)
- FSM Newspaper Death Notice
- FSM Funeral Service Schedule
- Photocopy of FSM Headstone

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 she would like the home of record corrected on the FSM's DD Form 1300. She wants her brother to be recognized in his home state.

3. In a separate self-authored statement the applicant contends that the FSM's home of record has never been [REDACTED] and he never lived [REDACTED]. He was only [REDACTED] to take his test to become an Army pilot. She is never able to celebrate her brother [REDACTED] during Memorial Day because his name is not on the moving wall because his home of record is incorrect. Please correct this mistake so he can be honored in his hometown.

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

a. The FSM enlisted in the Regular Army on 15 April 1970. His DD Form 4 (Enlistment Contract Armed Forces of the United States) shows he enlisted at the Armed Forces Examining and Entrance Station [REDACTED]. His home of record city, county, and state is listed as [REDACTED]

b. He was honorably discharged from active duty on 18 April 1971 to accept an appointment. His DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for this period shows his home of record at time of entry on active duty as [REDACTED]

c. A DA Form 71 (Oath of Office), dated 19 April 1971 shows the FSM was appointed and accepted the oath of office, at Fort Rucker, Alabama as a Reserve Warrant Officer of the Army.

d. The FSM's DA Form 66 (Officer Qualification Record) shows he served in Vietnam beginning on 15 June 1971.

e. The FSM was killed in action on 28 August 1971.

f. The FSM's DD Form 1300 (Report of Casualty), dated 7 September 1971 shows:

- item 2 (Casualty Status) the FSM was killed in action in Vietnam on 28 August 1971 as a pilot of a military aircraft when the aircraft crashed and burned
- item 4 (Date and Place of Last Entry on Active Duty in Current Status and Home of Record at Time): 15 April 1970, [REDACTED]

5. The applicant provides:

a. A statement from the FSM, dated 15 April 1970 to his family. He notes that his social security number is incorrect [REDACTED] vice [REDACTED]

b. A newspaper death notice of FSM, dated 6 September 1971.

c. A program which shows the FSM's funeral was held in [REDACTED] and a photocopy of the FSM's headstone showing he was from [REDACTED]

6. The DD Form 1300 serves as the official certificate of casualty. It may be used for any matter that requires proof of death.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.

2. The Board found the evidence confirms the FSM's home of record recorded on his DD Form 1300 is incorrect. The Board determined the document should be corrected to show his home of record as [REDACTED]

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

[REDACTED]	[REDACTED]	[REDACTED]	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 DD Form 1300 to show his home of record as [REDACTED]

9/3/2024

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. 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 638-8 (Army Casualty Report) prescribes policy for the Army Casualty Program. Chapter 9 (Report of Casualty) outlines the procedures for completing the DD Form 1300 (Report of Casualty). The DD Form 1300 serves as the official certificate of casualty. It may be used for any matter that requires proof of death.

//NOTHING FOLLOWS//