

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 June 2024

DOCKET NUMBER: AR20230011783

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show in:

- Item 6 (Date of rank (DOR)), 11 November 1966 in lieu of 17 November 1966
- Item 9 (Date of birth (DOB)), his requested DOB reflected on his Hospital Birth Certificate
- Item 12 (Last Duty Assignment), "317th Engineer Battalion" in lieu of "319th Engineer Battalion"

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

- DD Form 149 (Application for Correction of Military Record)
- Hospital Birth Certificate
- DD Form 214
- Honorable Discharge Certificate (United States Army Reserve (USAR))
- Maryland Driver's License

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 desires the above corrections because the information is important when obtaining veterans benefits.
3. The applicant's requests to correct his DOB and last duty assignment will be administratively corrected without action by the Board. The Board will only consider his request to correct his DOR.
4. The available evidence shows the applicant was inducted into the Army of the United States on 16 December 1965 in the rank/grade of private/E-1. He held military

occupational specialty 94B (Cook). He served in Germany from 13 May 1966 to 29 November 1967.

5. The applicant's DA Form 20 (Enlisted Personnel Qualification Record) shows in:

- a. Item 2 (Grade), Specialist Four/E-4
- b. Item 3 (DOR), 17 November 1966
- c. Item 33 (Appointments and Reductions):
  - Private/E-1, 16 December 1965
  - Private/E-2, 16 April 1966
  - Private First Class/E-3 (Permanent), 8 July 1966
  - Specialist Four/E-4 (Temporary(T)), 17 November 1966
  - Specialist Four/E-4, USAR), 2 December 1967
- d. Item 38 (Record of Assignments):
  - On 17 May 1966, he was assigned to Company C, 317th Engineer Battalion (Germany)
  - On 1 December 1967, he was transferred to the USAR

6. On 1 December 1967, he was honorably released from active duty and transferred to the USAR Control Group. He completed 1 year, 11 months, and 16 days of net active service during this period. His DD Form 214 shows in:

- item 5a (Grade, Rate, or Rank), "SP/4 (T)"
- Item 5b (Pay Grade), "E-4"
- Item 6 (DOR), 17 November 1966
- Item 12 (Last Duty Assignment and Major Command), Company C, 319th Engineer Battalion "USARSEVEN"

7. The applicant provided a Hospital Birth Certificate and a Maryland Driver's License showing his requested DOB.

8. The applicant's submissions were provided to the Board in their entirety.

9. The applicant's record is void of orders or other evidence showing his DOR was not 17 November 1966.

10. Army Regulation (AR) 635-5 (Separation Documents), Item 12, states enter the individual's current unit of assignment and the title of the major command or agency having jurisdiction over the organization.

BOARD DISCUSSION:

1. 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 applicant's DA Form 20 reflects his date of rank to SPC/E-4 as 17 November 1966. The Board did not find, and the applicant did not provide evidence of the date of rank he contends (11 November 1966). Therefore, the Board determined there is insufficient evidence to change his date of rank to SPC/E-4.

2. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:            :            :            GRANT FULL RELIEF

:            :            :            GRANT PARTIAL RELIEF

:            :            :            GRANT FORMAL HEARING

█           █           █            DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, 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.

ADMINISTRATIVE NOTE(S): correct the applicants DD Form 214 by:

- correcting item 9 (Date of birth (DOB), to show his requested DOB as reflected on his Hospital Birth Certificate
- correcting item 12 (Last Duty Assignment), to show the entry "317th Engineer Battalion"

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 (AR) 635-5 (Separation Documents) established the standardized policy for preparing and distributing the DD Form 214. The DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active-duty service at the time of release from active duty, retirement, or discharge. Instructions for completing the DD Form 214 stated:

- a. In Item 6, enter date of rank for the grade shown in item 5a.
- b. Item 9 (Self Explanatory).
- c. Item 12, enter the individual's current unit of assignment and the title of the major command or agency having jurisdiction over the organization.

3. AR 635-8 (Separation Processing and Documents), currently in effect, prescribe the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It states the separation document is a synopsis of the Soldier's most recent period of continuous active duty and provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. For Item 5: Grade, Rate, or Rank, verify that active-duty grade or rank and pay grade are accurate at time of separation.

//NOTHING FOLLOWS//