

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 June 2024

DOCKET NUMBER: AR20230012365

APPLICANT REQUESTS: in effect, for his service entrance date to be corrected to show he enlisted 14 March 1946 and was discharged 13 September 1947.

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

- DD Form 149 (Application for Correction of Military Record)
- WD AGO Form 100 (Separation Qualification Record)
- WD AGO Form 53-55 (Enlisted Record and Report of Separation – Honorable Discharge), 13 March 1946
- Honorable Discharge Certificate, 13 March 1946

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 he was drafted. Once at Camp Atterbury, IN, draftees were asked if they wanted to be discharged from drafted and join the Regular Army. He said yes. He enlisted on 14 March 1946.
3. The applicant's service records are not available for review. An exhaustive search was conducted to locate the service records, but they could not be found. The only documents available were the documents provided by the applicant. These documents are sufficient for the Board to conduct a fair and impartial review of this case.
4. The applicant provides:
 - a. WD AGO Form 53-55 which shows he was inducted on 11 March 1946. He was honorably discharged for Convenience of the Government to enlist in the Regular Army under the provisions of Army Regulation 615-365 (Enlisted Men Discharge Convenience of the Government). His total length of service shows 3 days.

b. Honorable Discharge Certificate, showing he was honorably discharged on 13 March 1946.

c. WD AGO Form 100 showing: Item 6 (Date of Entry into Active Service): 14 March 1946, and Item 7 (Date of Separation): 13 September 1947.

5. By regulation, War Department Technical Manual 12-236 (Preparation of Separation Forms) provides that the appropriate separation form will be prepared for all enlisted personnel separated from the service by reason of discharge, retirement, or release from active duty or transfer to a Reserve Component.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The available evidence shows the applicant was inducted into the Army of the United States on 11 March 1946 and he was honorably discharged 3 days later to enlist in the Regular Army. He was issued a WD AGO Form 53-55 that credited him with 3 days of active service. He enlisted in the Regular Army on 14 March 1946, and he was honorably separated on 13 September 1947. Since his service record is not available for review, it is unclear if he was issued a second WD AGO Form 53-55 for his enlistment time. As a matter of equity, the Board determined issuance of a Certification of Military Service for his honorable service from 14 March 1946 to 13 September 1947 is appropriate.

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:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by issuing him

a Certification of Military Service for his honorable service from 14 March 1946 to 13 September 1947.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to amending his "Induction" WD AGO Form 53-55 to show his later "Enlistment" service.

[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. War Department Technical Manual 12-236 (Preparation of Separation Forms) provides that the appropriate separation form will be prepared for all enlisted personnel separated from the service by reason of discharge, retirement, or release from active duty or transfer to a Reserve Component. Section II (Preparation) paragraph 17 states the WD AGO Form 100 would be used as a basis for the preparation of the separation form.

- Item 7 (Date of Separation): Enter date separated from the service
- Item 22 (Date of Induction): Fill in whichever is applicable
- 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, If the person was transferred to ERC after induction or enlistment, enter date of entry on actual active duty status; If not transferred to ERC, dates of induction and entry on active duty will be the same
- Item 37 (Total Length of Service): Enter length of current period of active duty as represented by continental service and foreign service

//NOTHING FOLLOWS//