

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 26 June 2024

DOCKET NUMBER: AR20230012591

APPLICANT REQUESTS: reconsideration of his previous request to correct DD Form 214 (Report of Separation from the Armed Forces of the U.S.) to reflect the rank of sergeant (SGT) rather than corporal (CPL).

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

- DD Form 149 (Application for Correction of Military Record)
- SF 513 (Consultation Sheet), 14 September 1954
- Discharge Certificate, 17 February 1955
- Disabled American Veterans (DAV) letter

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20220010827 on 26 September 2023.
2. The applicant states in pertinent part that his DD Form 214 is incorrect because it does not accurately reflect his rank upon discharge. He contests that he was promoted to SGT when he reenlisted in 1952. He notes that he should not be held accountable for the absence of available supporting documentation due to the fire at the National Personnel Records Center (NPRC).
3. The applicant's military records are not available to the Board for review. A fire destroyed approximately 18 million service members' records at the NPRC in 1973. It is believed his 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. This case is being considered using reconstructed records, which primarily consist of a DD Form 214.
 - a. On or about 12 September 1951, the applicant enlisted in the Regular Army to serve as an Ammunition Supply Specialist.

b. On 9 May 1951, the applicant was advanced to the permanent rank/grade of private first class (PFC)/E-3.

c. On 15 February 1952, the applicant reenlisted for 3 years.

d. On 6 October 1954, the applicant was temporarily appointed to the rank/grade of CPL/E-4.

e. On 17 February 1955, the applicant was honorably discharged from active duty at the temporary rank/grade of CPL/E-4. DD Form 214, item 38 (Remarks) reflects "PFC (P) 9 May 1951."

4. The applicant provides the following a:

a. SF 513 dated 14 September 1954, reflective of health care that the applicant received. Upon review it is noted the applicant was referred to as "SGT."

b. Discharge Certificate dated 17 February 1955, reflective of the applicant being honorably discharged from the Army at the rank of SGT.

c. DAV letter reflective of the National Service Office Assistance Supervisor's support of the applicant's request for correction of his rank on the DD Form 214 for the period ending on 17 February 1955.

5. On 26 September 2023, in ABCMR Docket Number AR20220010827 the Board determined that in the absence of additional documentary evidence reflective of the applicant being recommended for or promoted to a higher grade, there was insufficient evidence to warrant the requested relief.

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 Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined there is insufficient evidence to show an error on the applicant's DD Form 214. The Board determined his record is absent evidence that shows he was promoted to SGT/E-5 prior to his discharge. Based on regulatory guidance, promotion to SGT/E-5 are announced with official orders. The Board agreed the request for relief has no merit as the available evidence does not support the applicant was ever promoted to the rank of sergeant. Therefore, the Board denied relief.

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. Army Regulation (AR) 635-5 (Separation Documents), in effect at the time, established standardized policy for preparing and distributing the DD Form 214. The regulation states that the DD Form 214 is a summary of a Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active service at the time of release from active duty, retirement, or discharge. Appendix III required the preparer to enter the grade in which serving in item 3 at the time of separation indicating whether permanent or temporary. The regulation also stated that if the rank shown in item 3 was not permanent, enter the permanent grade and date of rank in item 38.

2. AR 15-185 (ABCMR) paragraph 2-9 states 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.

//NOTHING FOLLOWS//